Christs Him Complete Parith Bffic I. The Authority and Duty of their Duty; and Veftrymen, High Conflables, Petty Confta-111. Of Overfeers of the Poor, and bles, Headboroughs, and Tithingmen, in every Branch of their their Office; their Power in 1e-Duties, pursuant to Acts of lieving, employing, and fettling, Parliament: With the High &c. of poor Persons; the Laws Conftables Precepts, Presentrelating to the Poor, and Settle-

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II. Of Churchwardens; how chochosen; their Bufiness in repairing of Churches, Ge. and affigning of Seats; the Manner of passing their Accounts, and the Laws concerning the Church in all (afes; and an Abstract of all the Ads for building Churches in Landon and Westminster. Also of Sidesmen, and ments, and the Statutes concerning Masters and Servants.

IV. Of Surveyors of the Highways, and Scavengers; how elected; their Bufinels in amending the Ways, &c and the Duty of others, with the Methods of Taxation, and Laws of the Highways.

V. Of Watchmen, their Original and Power.

Together with the new

STATUTES relating to Hackney Coaches and Chairs, Watermen, &c.

The Sixteenth Chition, revised and corrected, with numerous Additions; particularly the Abstracts of all the Acts of Parliament for building and repairing Churches; maintaining the Poor; providing a Watch; paving, cleanfing, enlightening, and adorning the feveral Squares, Streets, and Places within the respective Parishes of England, to the 11th Year of K. George III. inclusive, not to be met with in any other Book of the Law hitherto published.

To which is added,

The Office of Constables, written by Sir Francis Bacon, Knt. in the Year 1610, declaring what Power they have, and how they ought to be cherished in their Office.

ONDON:

Printed by W. STRAHAN and M. WOODFALL, Law Printers to the King's most Excellent Majesty; for J. and F. Rivington, E. Jehnson, J. Fuller, J. Hinton, W. Johnston, R. Horsefield, G. Keith, Hawes, Clarke, and Collins, S. CROWDER, T. LONGMAN, T. CASLON, B. LAW, J. WILKIE, G. ROBINSON, S. BLADON, and F. NEWBERY, 1772.

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The COMPLETE

Parish Officer.

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The

Df Constables.

HE several offices of constable, head- of high and borough, boroughead, borsholder, tith petty constaingman and chief pledge, are in effect eles, beadbobut two, that of constable, and that roughs, tithof headborough.

and their au.

Constables are of two forts, constables of hun- C nstables. dreds and franchifes, and constables in towns and parishes within those hundreds or franchises: and in comparison of the one with the other, the first are called high constables, and the latter petty constables.

Lambert in his duty of constables, &c. fol. 5. High confafays that this Office of high conflable was drawn bles. from that of the high constable of England, which was an office of great authority in deeds of arms and matters of war both within and without the Realm; for the flature of Winchester, anno 13 E. 1. St. 2. c. 6. by which these constables of hundreds and franchifes were first ordained (though, according to others, the office of constable is of far greater antiquity. Freem. 348. Salk. 380. Cro Eliz. 376.) among other things appoints, that for the better keeping the peace, two constables in every

every hundred and franchife shall be chosen to make view of armour.

From this Mr. Lambert concludes, that the conflable of a hundred or franchise, or high constable, is an officer appointed to preserve the king's peace within the precinct of his hundred or franchise.

Petty confia-

And according to the same author, petty constables in towns and parishes were devised about the beginning of the reign of king Edward the third, in aid of the high constables in hundreds and franchises, to keep the peace within the precincts of their respective towns and parishes.

Hecdbo-

But the offices of headborough, boroughead, borsholder, tithingman and chief pledge, which are all one in effect, date their antiquity from the reign

of king Alfred.

That monarch divided all England into shires, the shires into laths, the laths into hundreds, and the hundreds into tithings; and for the better preferving the peace, and suppressing thieves and robbers, he ordained that the people should divide themselves into companies, each consisting of ten samilies, who should be sureties and pledges for each other; so that if any offence against the peace was done by any one of that company, the rest should be amerced, unless they produced him.

In some places these companies were called tithings, because they contained the number of ten families; in other places they were called boroes, from the word bornes, which fignifies pledges or fureties, and because it was then ordained that for matters of great weight ten of these companies should meet together at certain times, such meeting or assembly was called a hundred, as consisting

of ten times ten families.

Every one of these companies, tithings or boroes used to chuse one man amongst themselves, to speak and act in the name of the rest; this person in some places was called the tithing-man, as being

the

the principal man of the tithing; in other places he was called the headborough or boroughead, and in other places the chief pledge, and in some other places he was called the borsholder or boroes ealder from borhes, which signifies pledges, and ealder, which signifies head or chief. In some shires, where every third borough hath a constable, the officers of the other two are called third-

boroughs.

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If any man was found, who had no fureties, he was put into prison, until he could obtain some tithing or boroe to receive him; and in thele tithings or boroes, several good orders were obferved, and amongst others, first, that every man of the age of 12 years should be sworn to the king; fecondly, that no man should be suffered to dwell in any town or place, unless he was received into some surery or pledge; thirdly that if any of these pledges were imprisoned for his offence, he ought not to be delivered without the affent of the rest of the pledges; fourthly, that no man should remove out of one tithing or boroe to dwell in another, without lawful warrant in that behalf. Lastly, that every one of these pledges should yearly be presented, and brought forth by their chief pledge at a general affembly for that purpole, which to this day is called the view of frankpledge, or court-leet.

By this we may form some idea of the nature of the original duty of the headborough, tithingman, &c. but their office at this day is much the same as that of the petty constable; for as the petty constables were devised in towns and parishes in aid of the high constables, so the tithingmen, headborough, &c have been used as petty constables within their respective tithings and boroes; and yet not so universally, but that some of them at this day have no other but their old office; for in some parishes where there are several tithingment.

in one parish, one of them only is the constable, and the rest serve as the antient tithingmen did.

Their power in former times,

Before justices of the peace were made, constables were conservators of the peace; they might put a man in the stocks who broke the peace, might arrest or imprison one for beating or maining another, and had in many other particulars great power and authority; but they could not take security by recognizance or bail, because they were not officers on record. Owen 105. Though some have been of a different opinion, but that they lost this authority by the statutes, 3 H. 7. c. 3 and 1 5 2 P. & M. c. 13. which in giving that power to the justices of the peace, took it away from them. Lamb. Eiren. 1. 1 c. 3 fo. 15.

Authority of birth conflables beyond petty conflables.

The petty constables and tithingmen are not sabordinate to the high constable in any thing that proceeds from his own authority merely, though his power is of a larger extent than others; and in places where there are no constables but tithingmen, &c. there the authority of such parish officer equals that of the constable, within his limits; for he is in effect the constable of the place.

But headboroughs, tithingmen, &c. appointed in a town or parish, having also a constable, cannot principally concern themselves in any matter, the constables being head officers; though in the absence of the constable, they are chiefly to attend the service; and there are many things which a constable has power to do, that headboroughs and tithingmen cannot intermed die with. Dalt 3.

Figh constables, kew cleared.

High constables are chosen either at the quarterfessions, or in the court leet; and where the latter is warranted by custom, the justices of the peace cannot interpose, unless it be on a neglect of keeping such court, or in chusing them, when the justices at their quarter-sessions may appoint and swear a high constable, or issue their warrant to do it out of the sessions; but in case of resulal to serve the office, death, or removal, a justice of peace may chuse and swear another, tho' this is generally done by two justices; and the person chosen is to-continue in the office till the next court leet, or the sessions, and then the stewards or justices may either approve him, or appoint another, to continue in for one year.

A man living within the jurisdiction of an inferior leet, may be chosen high constable in the leet of the hundred. Freem. 348. 3 Keb. Rep. 197,

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If he is present when chosen, and refuses to take Refusing the upon him the office, the steward may fine him; office, &c. (justices of peace may likewise bind him over to the affizes, or sessions, where he may be indicted and fined) If he does not appear, the homage are to present his refusal at the next court, where-upon he shall be amerced; and if he being present accept the office, he is to be forthwith sworn in the leet. If absent, upon notice given by the steward, he is to take the oath before a justice. Sav. 98. 8 Co. 38. Bust. 174. Salk. 175, 502. 5 Mod. 124. Skin. 635. Ld. Raym. 69. Lilly's Ent. 369. Dalt. 58. &c.

Petty constables and tithingmen are elected by Petty con 34. the parish, and sworn in their offices in the court. bles, how leet, and sometimes by justices of peace in the sefshort since the parish, any two justices may make and swear a new constable, &c. until the lord of the leet shall hold a court, or until the next quartersessions, who shall approve of the said officers so made and sworn, or appoint others. Stat. 13 & 14 Car. c. 12. Sect. 15. 2 Stra. 798, 1050. Med.

13. 2 Keb. Rep. 557. Bulst. 174. Moor 845.
Lev. Rep. 233. The sessions may remove high constables and petty constables, the justices there

Dissenters chosen constables, are to make depu-Deputies, ties for the execution of the office. 1 W. & M.

c. 18. fea. 7.

B 3 And

And other persons may make deputies, though formerly it was doubted Wood's Inft. 88. Edit. 1763; but they must answer for their miscarriages, unless such deputies are sworn and allowed by the court. Sid. 355. Cro. Car. 389. Lev Rep. 233. 2 Hawk. Pl. Cr. 62. Wood's Infl. 86, Edit. 1763. 2 Hal. Hift. Pl. Cr 88. fays generally, that by law a conflable may make a deputy, and he is within 7 Jac c. 5. to plead the general iffue. Moor 845. pl. 1141. yet in Hal. Hift Pl. Cr. 581. it is faid, that if a warrant be directed to a conflable, he must execute it himself, and may not substitute another. And if the office happen on a woman, where there is a cultom for every inhabitant to ferve by turns, she may here one to execute the office. Sid. 355.

Qualifica-A bles. Bar-1020 141.

As for persons qualified for this office, they ought tions for con- to be honest, understanding, and able men; to be men of substance, and not of the meaner fort; wherefore they are not to be elected by house, or custom, if not fit to execute the office; they are likewise to be resident where chosen; and if they are not thus qualified, upon complaint, two juffices may appoint others.

Perfons exempted from she office.

Justices of the peace, clergymen, attornies, 2 Hawk. Pl. Cr. 63. Lawyers, ibid. Physicians and Surgeons, ibid. St. 5 Hen. 8. c. 6. 32 Hen. 8. c. 40. Com. Rep. 312. Aldermen of London, Wil. Jones 462. Apothecaries, St. 6 & 7 Wil. 3. c. 4. 9 Geo. c. 8. Profecutors of felons, St. 10 & 11 Will. 3. c. 23. feet. 2, 3. Militia men, St. 2 Geo. 3. c. 20. Jell 76. Idiots, poor, old and fick Persons, are exempted from serving.

When conflables are appointed, the steward of the court leet, or the juffices, administer to them

the following oath.

Dath of em fta= bleg.

OU shall well and truly serve our sovereign lord the king, and the lord of this leet, (if appointed in the court-leet) in the office of a conftable, in and for the hundred of A. or parish of, &c. until you be thereof discharged according to the due course of law, or for the year ensuing, and until another shall be sworn in your room; you shall from time to time well and truly do and execute all things belonging to the said office, according to the best of your knowledge.

So help you God.

Mr. Burn observes, that there is a long form of a Constable's oath in Dalton, [Edit 1643,] which is adopted by Mr. Barlow, [p. 140] expressing his duty in many inflances; but as that form neverthelefs (continues Mr. Burn) doth not contain the hundredth part of the constable's duty, nor indeed the most material instances of it, it may be more eligible (as no particular form is directed by any statute) to swear him to the due execution of his office in general, than to descend to those particulars; left by mentioning some parts of his duty, and not others, he may be induced to think that those others are not so necessary; [and at the end of his Title constable, adds the above oath in subflance, tho' not exactly in the very fame form and words.] Burn's Just. 8vo Edit. 1762.

Note; The oaths of allegiance and supremacy, appointed by Stat. 25 Car. 2. c. 2. do not extend to petty constables See St. 1 Geo. st. 2. c. 13.

Formerly constables were sworn to several ar-Antient oath, ticles, viz To suppress and present affrays; arrest Barl. 141. armed men; present bloodshed and drunkenness; Dalt. Just. apprehend selons; present gaming houses and game-flers; make hue and cry; punish idle persons, night-walkers, &c. present rescues; apprehend rioters; punish vagabonds; execute warrants; keep watch, &c.

These are to be inquired into by all constables; and the duty of a high constable alone consists in

the following articles.

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eign (if stable, of iah constables alone.

The buty The high constable has the direction of the petty constables, headboroughs and tithingmen, within the hundred. His duty in general is to keep the peace, and apprehend felons, rioters, &c. to make hue and cry after felons; and take care that the watch be duly kept in the hundred, and that the statutes for punishing rogues and vagrants be put in execution. He ought to present unlawful gaming, tippling and drunkenn is, bloodshed, affrays, &c. To return all victuallers and alehousekeepers that are unlicensed, and such persons as entertain inmates; he is to prefert bakers who fell bread und r weight; brewers felling beer to unlicensed alehouses; forestallers, ingrossers, &c. Dalt. c. 28.

To keep the peace, and overfee other parish of. ficers.

Make prefentments. e :ecute warrants, and make returns, &c.

He is likewise to present the defaults of petty constables, headboroughs, &c. who neglect to apprehend rogues, vagabonds and idle persons, whores, night-walkers, &c and also all defaults in repairing highways and bridges, and the names of those who ought to repair them; scavengers who neglect their duty, and all common nusances: and he is to execute precepts and warrants directed to him by justices of peace; and make returns to the fessions of the justices, to all the articles concerning his office. Lamb. 125.

In refpect of clothiers.

The high constable may determine complaints of clothiers and their spinners, and other labourers; by virtue of an old flatute relating to not paying wages in ready money, &c. which incurs a forfeiture of three times the value of the wages; and on non payment of the forfeitures, &c may commit the party till paid. Stat. 4 Ed. 4. c. 1.

A high constable may enter into any place to fearch for ropes &c. for ftretching of cloth, and if he finds any, he is to deface them; and if the owners shall afterwards make use of them, such high constable has power to feize and fell them, and distribute the money to the poor. Eliz. c. 20. Persons refisting the constable, orfeit 10 /.

High

High constables on their receiving monies from Monies rechurchwardens assessed on any parish for relief of ceived from poor prisoners, are to pay over the same to the colers, &c. lectors appointed by the justices at the quarter sefsions, on the penalty of 51. Stat. 14 Eliz. c. 5.

They are also to pay over monies received for In the King's the relief of prisoners in the King's Bench and Mar-Bench and shalfea, under the penalty of 20s. And so of mo-Marshalfea ney received for the relief of maimed soldiers and mariners, on pain of 40s. Stat. 43 Eliz. c. 3.

One general county rate to be made by justices A general at their quarter sessions, to answer all former direct levied by stinct rates, which shall be assessed upon every pables, on all rish, &c. and collected by the high constables of parishes. hundreds; and churchwardens and overseers of parishes are, out of money raised for the poor, to As 12 G. 2. pay the same to high constables, in thirty days after c. 29 demand, or it may be levied by distress and sale of the goods of such churchwardens, &c. by warrant of two justices.

High constables shall pay the money to treasurers Money paid appointed by the justices, which shall be deemed to treasurers the publick stock; and be paid out to such uses as county the justices in their sessions shall direct: and the high constables and treasurers to account before the justices, or be committed to gaol till they do it.

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No part of this money to be applied to the re- How applied pair of any bridges, gaols or houses of correction, by justices. till presentment made by the grand jury at the affixes or quarter-fessions, of their want of reparation.

Appeal may be brought to the next sessions, Appealwhere against the rate made on any particular parish, over rated. where they are over rated. Stat. 12 G. 2. c. 29.

There

On warrants from the justices, they are to summon the petty constables to meet and prepare lists
of persons qualified to serve on juries. Stat. 4 W.
& M. c. 24. And on receiving such lists from the
petty constables, they are to deliver them over to
the quarter sessions. Stat. 3 G. 2. c. 25. § 3. A
high constable failing to summon the petty constables, forseits 10 l. Stat. 3 & 4 Ann. c. 18. § 5.

Confta= bles in London.

There being some variation in the manner of election, and the oath and office of constables in the city of London, with respect to other constables appointed in the country; I shall here communicate some observations relating to them, before I proceed to the particular business and power of constables.

Number of conflables.

And first the city is divided into 25 wards, and every ward into the like number of precincts, over each of which is a proper constable; so that there

are in London 676 constables.

Manner of election.

All these constables, it is said, ought to be freemen of the city: they are nominated by the inhabitants of the precinct on St. Thomas's day, and confirm'd or disallowed at the court of wardmote; and after they are confirmed, they are fworn in their offices at a court of aldermen, on the next Monday after Twelfth Day. Calthr. Rep. p. 129. The substance of the oath is as follows:

Particulars of the oath.

To keep the king's peace to the utmost of their power; to arrest affrayers, rioters, and such as make contests to the breach of the peace, and to lead them to the house of correction, or compter of one of the sheriffs; and in case of resistance, to make outcry upon them, and pursue them from fireet to fireet, and from ward to ward, till they are arrested.

Nusances, d faults in ordinances, and death of freemen.

To fearch for common nufances in their respective wards; (being required by scavengers, &c.) and upon request to assist the beadle and raker in collecting their falaries and quarterage; to prefent Presentments, to the Mayor and ministers of the city, defaults relating to the ordinances of the city; to certify in the mayor's court, once a month, the names and furnames of all freemen deceased; and also of the children of fuch freemen, being orphans.

Farther articles.

And by the articles of the wardmote inquest, constables are to certify the name, furname, place of dwelling, profession and trade of every person, who shall newly come to inhabit in their precincts,

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and to keep a roll thereof: in order to this, they are to make inquiry, at least once a month, into New comers what persons are lately come to lodge and sojourn into parishes, there: and if they find by their own confessions, or the records of the aldermens books, that fuch new comers are ejected from any other ward for bad living, or any mildemeanor, and refuse to find fureties for their good behaviour, warning is to be given to them and their landlords, that they depart; and on refusal, they may be imprisoned, and their landlords fined a year's rent, agreed for by fuch new comers. Calib. Rep. 138.

Constables in each ward are to attend the watch Watch in by turns, one every night, and to go the rounds; London. and with the beadles every night are to warn such persons as are to serve upon the watch in their feveral precincts; and if they refuse to appear, the constable may hire others in their stead, and they shall pay the constable, according to the custom of the city. The common council appoint the watchmen.

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They are to certify to the lord mayor and com- Obstructing mon council of the city, the names of all fuch per- constables. fons as shall interrupt or hinder them in the difcharge of their offices.

These are the antient articles of the oath, and Extent of extraordinary business of the constables of London; their power, to which I am to add that in the city of London by the custom, a constable is not only constable within the precinct for which he is chosen, but over all the ward, and over all the city of London; per Wyld. Trin. 30 Car. 2. Anon.

By this Statute, the court of common council Nightly cor. are to meet on the first of October yearly, and or- stables, and der a proper number of nightly constables, beadles watch, bow and watchmen, for the city of London and liberties; 10 Geo. 2. and the aldermen and common council-men of c, 22. wards, are to make an affessment on the inhabiants, to bear the charge thereof.

The

Time of quatching, and other business.

The constables shall keep watch and ward, from the tenth of September to the tenth of March, from nine o'clock in the evening till feven the next morning; and from the tenth of March to the tenth of September, from ten in the evening till five next morning: and shall use their best endeavours, for preventing fires, robberies, and diforders; and arrest malefactors.

Horv often to go their rounds.

And they shall go twice or oftner about their wards, in every night; and the watchmen are to apprehend all suspected persons, &c. and deliver them to the constable of the night, who shall carry them before a justice of peace.

Misbebawing, forfeiture.

And constables misbehaving themselves, shall forfeit 20 s. And the lord mayor, or two justices of the city, may hear and determine offences, and levy penalties by diffress of goods, &c. Stat. 10 Geo. 2. 1. 22.

Arms of the their door.

Such constables of London as are chosen into the city, &c. at office, are obliged to place the king's arms, and the arms of the city, over their doors; and if they refide in alleys, at the end of fuch alleys, towards the street, to fignify that a constable lives there, and that they may be the more easily found when wanted.

Of appointing constables in Westm nfter.

The dean, or high steward of Westminster, or his deputy, is required (calling to his affiltance the burgesses, if the dean, or high steward or his deputy shall think fit) at the court leet to be holden on Tuesday next after Michaelmas day in every year, yearly to appoint eighty fit persons residing within the city and liberty of Westminster, being artificers, or perfons using any trade of buying or selling (alehousekeepers, victuallers or persons retailing spirituous liquors only excepted) to be constables for the faid city and liberty, being duly prefented thereto in manner after mentioned and directed. 29 Geo. 2. 25.

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refu Stal The constables so to be appointed shall be chosen out of the several parishes in Westminster as solloweth, viz.

Out of the parish	of St. Margaret	14
	of St. John the Evangelift	4
	of St. Martin in the Fields	14
	of St. George Hanover-Square	12
	of St. James -	14
	of St. Ann	8
	of St. Paul Covent Garden	6
	of St. Clement Danes -	6
	of St. le Mary le Strand -	2

The constables so appointed shall take the usual outh of office and execute the office for one year, or until other persons shall be appointed in their stead, or find able persons, to be approved of by the court-leet to serve as their deputies. Same Statute.

This act directs the summoning a leet jury, who are to present double the number abovementioned for each parish, of persons to serve the office of constable, out of which number the court shall, in the proportions aforesaid, appoint eighty persons to serve the office of constable for the year ensuing. Same Statute.

Any person so appointed, and refusing to serve the office of constable shall forfeit 8 % and no person to serve as constable more than once in seven years. Same Statute.

The said dean, or high steward, or his deputy, of appointing shall at the said court-leet, to be holden on Tuesday the high connext after Michaelmas day yearly, appoint an able stable of person, being an artificer, or using some trade of Westmin-buying and selling, not being an alchousekeeper, victualler or retailer of spirituous liquors, to be high constable for the city and liberty of Westminster for one year or until another be appointed. No person to serve the office of high constable for more than three years together. Penalty of 201. for resuling to serve the office of high constable. Same Statute.

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Annoyances in Westminster, 31 Geo. 2. c.

By 3t Geo. 2, c. 17. repairs of pavements, and removal of annoyances belonging to parish churches, publick buildings, or grounds, to be done by the churchwardens; if belonging to markets, by the proprietors, &c. to hospitals, almshouses, charitable foundations, &c. by the principal officer thereof, and to private grounds, by the owners. Annoyance jury may present bad pavements and annoyances, first giving notice of their intention to the proper persons, and if the same be not amended or removed within sourteen days, may amerce the said persons, according to the nature of the offence. Sect. 1.

Occupiers of houses are to repair the pavements, and deduct the charges out of their rent, except where they are by contract to keep the same in

repair. Seat. 2.

Pavements broken up by perfons belonging to any company of water works, are to be relaid by them in a substantial manner, and in a convenient time; in default, the annoyance jury upon complaint and view thereof, may direct the proprietor to relay the same, and upon his application to the court, and proof of the charges, the jury are to americe the company's agent in the same, and also in a sum not exceeding 40 s. nor less than 20 s, for such neglect, Sect. 3.

Paviour belonging to water works, before he breaks up any pavement, is to give notice to what company he belongs, under penalty of 405. Sea. 5.

Annoyance jury where requifite, may order the speedy removal of any annoyances or obstructions, and if not complied with, may americe the offender

in a fum not exceeding 40 s. Sect 6.

No hourd or fence to be fet up in the streets without licence first had from the court, for which shall be paid 5 s. under the penalty of 40 s. Licence to be no defence against prosecution for a nusance. Sect. 7.

Weights and measures to be fized, sealed, and marked by the proper officer, for fealing and marking the same; for which shall be paid, for every bushel 4 d. for every half bushel 2 d. for every peck, half peck and quarter-peck 1 d. for all half pecks, or quarter-pecks, per dozen 10 d. for every fack 2 d. for every ale and beer measure 1 q. for every one hundred weight 4d for every half hundred weight 2 d. for all pound weights and all other weights, under half a hundred weight one halfpenny, for all ounce weights, and all other weights under a pound, 1 q. All weights and measures belonging to persons dealing by weight or measure within the said city and liberty, which shall not be sealed and marked in manner before directed, shall be deemed unlawful, may be destroyed, and the owners amerced in a fum not exceeding 40 s. Sill. 9.

Sealing officer to pay half yearly to the deputy steward, a moiety of his profits. Sect. 10.

Court upon complaint, may amerce annoyance juryman for non execution of his office. Sea. 11.

High constable, to obey the orders of the court, and petty constables to be assisting to him, under penalty of being amerced by the court. Sect. 12.

Aged perfons exempted from ferving as constables, or as leet or annoyance jurymen. Sea. 13.

Adjournments of the court-leet, court may amerce jurymen for non-attendance, or other neglect. Sca. 14.

High bailiff or his deputy, to execute all warrants of the court-lest or court of burgesses, and to pay over the sums received, on penalty of being fined by the court. Fines imposed on the high bailiff, &c. for default in the premisses, to be levied by the high constable by distress and sale. Sect. 15.

High bailiff to retain a fourth of the fines levied by him. Sea. 16.

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And pay over the remainder to the overfeers of the parish, to be applied as 29 Geo. 2. c. 33.

directs. Sea. 17.

High bailiff to transmit an account thereof to the court of burgesses, to be entered together with the licence fees for hourds, &c. and their application, in proper books, which may be inspected by the overfeers, and copies taken thereof.

Se.7. 19.

If any fuit shall be commenced against any person for any thing done in relation to the premisses, in every such case, the action shall be commenced within fix months next after the fact committed, and shall be laid in Middlesex, except such person shall reside in London, in which case the said action shall be laid in London, and the defendants may plead the general iffue, and recover treble costs (in manner prescribed by 32 Geo. 2. c. 32. feet. 9.) Seet. 21.

The said act shall not extend to the church or college, nor to the close of Westminster, nor to any person inhabiting within the site, circuit, or precinct of the faid church, &c. for any offence or milgovernment, to be committed by them, or any of. them, within the fite, &c. of the faid church, Ge.

The duty and authority in general of constables

Sea. 22.

Conftables at large. in keeping the peace, &c.

in their several towns, parishes, &c. is much the Their bufiness same as the high constable's in his hundred: they are to keep the peace, and may break into a houle to fee the peace kept; make fresh pursuit into ano. ther county, &c. They may also command all persons to affift them, and take into custody any whom they see committing a felony, or breaking of the peace; but a constable cannot detain a man at his pleasure, only stay him to bring him before fome justice, to be examined and committed, &c. H. P. C. 93, 135.

He may arrest, by his own authority, a man who breaks the peace in his fight and prefence. Orem He 105. Cro. Eliz. 375.

He may arrest a person who obstructs and affaults him in the execution of his office. Savile and died smal said the desiration.

He may arrest a furious madman who does, or is likely to do mischief, 22 Ass. 50. Owen 98.

St. 17 G. 2 c. 5.

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He may arrest a person who drops a child in a parish, with intent that it may perish, or the parish be charged with the keeping. Owen 98. Cre. Eliz. 287. Moor 284. Popb. 12. Leon. 327.

For treason or felony, or suspicion of treason or Where he felony, or where a man dangeroully wounds ano- may break ther, fo that his life is in danger, the constable open a bousemay break a house to apprehend the offender; but request ought to be first made, that he be permitted to enter. 5 Co. 91, Bulft. 146. Brownl. 211.

By the original power in the conflable, he may Original for breach of the peace, and some mildemeanors power of conless than felony, imprison a man: and if an offence stables. be committed, for which a conflable may arreft, he may convey the offenders to the sheriff or his gaoler; though the fafest way in all cases is to bring them to a justice, and by him the prisoner may be bailed, or committed to prison, as the case shall require. 2 Hale's Hift. P. C. 88, 90.

Part of their office confifts in attendence on ju- Attendance flices of peace, at courts leet, and on coroners for on justices, executing of warrants; they are likewife to attend &c. upon judges of affize at the gaol delivery, justices at the general and special sessions, and other meetings, to execute warrants; and present offences upon oath, according to articles exhibited, &c.

No action to be brought against any constable, No action to headborough, or other officer, or against any per. be brought fon or persons acting by his order, and in his aid, against a for any thing done in obedience to any warrant til demand of under the hand or feal of any justice of the peace, perufal and until demand hath been made or left at the usual copy of the place of his abode, by the party or parties in- warrants tending to bring fuch action, or by his, her, or

their attorney, or agent, in writing, figned by the party demanding the same, of the perusal and copy After perufal of fuch warrant, and the fame hath been refused and copy, if or neglected for the space of fix days after such deactionbrought mand; and in case after such demand, and comwithout ma- pliance therewith by shewing the said warrant to, king the ju- and permitting a copy to be taken thereof, by the fice a defen- and permitting a copy to be taken thereof, by the dant, verdict party emanding the same, any action shall be to be given brought against such constable, headborough, or for the defen- other officer, or against such person or persons acting in his aid, for any such cause as aforesaid, without making the justice or justices, who figned or fealed the faid warrant, defendant or defendants. that on producing and proving fuch warrant at the trial of fuch action, the jury shall give their verdict for the defendant or defendants, notwithstand.

ing any defect of jurisdiction in such justice or ju-

flices; and if fuch action be brought jointly against If action against ju- such justice or justices, and also against such confice and con- stable, headborough or other officer, or person or wing thewar- perfons acting in his or their aid as aforelaid, then, rants, verdict on proof of such warrant, the jury shall find for to be for the such constable, headborough or other officer, and constable. for such person and persons so acting as aforesaid;

And if ver- and if the verdict shall be given against the justice dist against or justices, that in such case the plaintiff or plaintiffs the juffice, be shall recover his, her, or their cof's against him or to pay fuch them, to be taxed in such manner by the proper tiff liable to officer, as to include fuch cofts as fuch plaintiff or plaintiffs are liable to pay to such defendant or depay to the fendants, for whom such verdict shall be found as constable.

aforesaid. Stat. 24 G 2. c. 44. §. 6. Provided, that no action shall be brought against Astions ag inft con- any conftable, headborough, or other officer, or fables to be person acting as aforesaid, unless commenced withcommenced in in fix calendar months after the act committed. fix months. Same Stat. § 8.

The duty of confiables in particular is to be con-Particular duties of con- fidered under the several heads following, &c. Affrays, alchouses, arms, arrefts, artificers, affault, Rabies.

bakers,

bakers, baffardy, bawdy houses, beggars, bridges, butter, buttons, cambrics, carriages, catele, clothiers, coals, conventicles, corn, curriers, customs, deetflealing, deferters, disorderly houses, distillers, difireffes, drunkennels, dyers, escapes, excise, felons, fire, fish, forcible entry, foreign goods, forettallers, game, gaming, gaol and gaolers, gunpowder, hawkers, hay market, hedge breakers, highways, hops, horses, houses of correction, hue and cry, inns, juries, labourers, lamps, land tax, linen, lunatics, madmen, malster, manufacturers, measures, militia, night-walkers, orchards robbed, physicians, plague, players, popish recusants, post letters, prefentments, prisons, prisoners, riots, robbery, rogues, fail cloth, falt, fervants, shoemakers, smugglers, soldiers, spirituous liquors, sundays, Super sedeas, swearing, taylors, tithes, tobacco, turnpikes, vagrants, warrants, watch, watermen, weights, wrecks, &c. And first the authority of constables in affrays.

Affray is a fighting between two or more per- Affray. fons, and there must be a stroke given, or a wea- what. pon drawn to make an affray.

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A constable may command affrayers to depart on Affrayers to pain of imprisonment; and if they refuse, or make depart. resistance, he may justify the bearing them, and call

others to his affiltance. Dalt. 35. 4 Co. 4. Affrayers not ceafing, but still threatning to Set in the wound each other, he may put them in the tlocks flocks on refttill he can carry them before a justice; or if any fance, or affault be made upon the constable, he may not only defend himself, but put the party in the flocke, as aforefaid, till he can convey him before a justice, or to the gaol. Dalt. f. 4, 5, 35, &c. Kitch. 60.

In case of any sudden affray, through passion, Persons maor excess of drink, the constable may put the af- king affreys frayers in prison, if there be one in the vill, till may be put in the heat of their passion or intemperance be over, prison.

tho' he deliver them afterwards; or until he can have them before fome justice of peace. 2 Hale's

Hift. P. C. 95.

And if a conflable, or his affiftants, shall happen to be killed, it is murder; and if they are wounded in the affray, they shall have good da-Affrayers no mages; but the affrayers in fuch case shall be without remedy. Lamb. 141, 142.

remedy.

Whenawarmat.

If any person shall assault, threaten to kill or rant necessia. beat another in the presence of a constable, or do ry, and when any other act which amounts to a breach of the peace, the conflable has power to carry the offender before a justice without warrant; but if the affray or breach of the peace is over before he comes, he may not arrest the affrayers without a justice's warrant, except some person be dange. roully hurt. And if there be nothing but words, the constable may not lay hands on them. Dalt, 36. 100 10

Per fons dan-

If a person be desperately wounded in an affray, geroufly burt. the constable may arrest the offender, and carry him before a justice, who is either to bail, or commit him, until it be known whether the party shall live or die. Any person has power to arrest affrayers, where there is a dangerous affray, and deliver them to the constable. Dalt. 35. 4 Co. 4.

Affrayers purfued into another county. Breaking open doors.

A constable may pursue affrayers into any other franchise or county; but out of the county he is only an affiftant to the-constables there; and he may justify the breaking open doors to apprehend affrayers, and keep the peace. Ploud. 37. Cromp. 146. Lamb. 135, 185, &c.

All this the confisble may do ex officio, without command or precept from a justice, except as above, where an affray is over before he has notice; and it has been held, that constables might ex officio take fureties for the peace, Trin. 35 Eliz. Skarret's case; but it was then the opinion of others that he ought to carry the offender before a justice; and our agtient books tell us, that a constable may

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Sureties of the beace.

not, at the request of any person, take surety of the peace, though he is to do what lies in his power to keep the peace. Kitchen 62. Cromp. 6. &c. Lamb. Eiren. 1. 1. c. 3. f. 15. Owen. 105.

If persons make an affray, and the constable re- Constables suses to go to keep the peace, being informed of neglecting, it, he may be fined in the sessions, on presentment punishment.

by the grand jury. Cremp. 846.

If the constable do not key the penalty of 20 s. 28162 by distress, for the poor, inflicted on persons keeping Houses, alchouses without licence; or if there be no dis Unlicensed stress, he neglects to whip the offender, he is liable alchouse to a sorteiture of 40 s. or to commitment till the keepers, alchouse keeper is punished. Stat. 1. Jac. c. 9.

1 Car. c. 4.

Not delivering the poor's moiety of the penaky Selling ale of 6s. 8d. per barrel, for felling ale to an unlicen- so such. fed alchouse keeper, over to the churchwardens, &c. and they not distributing it to the poor, forfeit

couble the value. Stat. 4 fac. 1. c. 4.

And not levying 20 s on alchouse keepers for Selling less than measure, he forseits 40 s, to the use than measure of the poor, to be levied by distress; and if no distress, to be committed. Selling in unmarked veffels, &c. incurs a forseiture not above 40 s. nor under 10 s. one moiety to the informer, the other to the poor. 11 & 12 W. c. 15.

Not levying 10 s. on alchouse keepers for suf- Tippling, pefering persons to sit tippling, to forfeit ut supra. nalties, &c.

Stat. 1 Jac. c. 4. 21 Jac. 1. c. 7.

Also not levying 31. 4d. on persons convicted of tippling, forfeits 101. But in all these cases,

there must be a justice's warrant.

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Any person resusing to be examined upon oath, and give evidence before a justice of peace against any other person suspected of selling ale, beer, or other liquors without a licence, forseits 10% to be levied by distress and sale of his goods, and to be paid

paid to the overfeers of the poor. Stat. 26 Geo. z c. 31.

Penalty of Selling without a licence.

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Every person convicted of felling ale, beer, or other liquors without a licence, shall forfeit as follows, viz. for the first offence 40 s. for the second offence 41. for the third-offence and every other offence 61. to be levied by diffres and fale of his goods; one majety to the informer, the other moiety to the overfeers to the use of the poor; and in default of distress to be committed to the common geol, or other prison, or house of correction for one month for the first offence, for the fecond offence for two months, and for the third offence until discharged by order of the court of general quarter fessions. Same Statute, & Stat. 28 Gco. 2. c. 19. See 29 Geo. 2. c. 12. an additional duty.

See Diforderly Houses, Distillers, Inns and Inn-

arms. fons armed.

Constables may stop all such persons as go or ride To feiner per- unlawfully armed, in terror of the people; take away their arms, and carry them before a justice of the peace, to find furcties of the peace. 2 Ed. 3. c. 4. Dalt. 35.

Who may bear arms.

His Majefty's fervants or officers, perfons purfuing hae and cry in case of felony, and other offences, have lawful authority to bear armour or weapons. Dalt. cap. 9. f. 36. 3 Co. Infl. 162.

Search for arms.

Constables are to assist such persons who have a warrant from the lieutenancy to fearch for arms, &c. but it must be in the day time, unless in towns; and if refifted, they may enter with force: and high constables, petty constables, &c. shall be affifted by others.

Arrefts by private persons, in rubat cases made.

If a private person arrest another, as in case of dangerous affrays, fuspicion, or knowing one to have committed felony, or one that has violently wounded to

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wounded another, night-walkers that are dangeroufly suspicious, &c. which he may justify the doing; he ought to carry and deliver the offender to a constable, headborough or tithingman, and they are bound to secure the party arrested. Dalt. 468:

Where persons are arrested for selony, if they offenders deare not delivered to a constable, to be carried be-liver'd to the fore a justice, e. it will be deemed an escape. constables.

Dalt. 368.

Any artificer contracting or preparing to go out Artifice of the kingdom, on complaint a justice of peace cers may fend his warrant to the contable, &c. to going out of bring the party before him, and he may bind him the kingdom. over to the next quarter-fessions, where he must give security not to depart the realm. Stat. 5 Geo. c. 27.

Not giving such security, he shall be imprison Punishment ed; and persons contracting with artificers to go, inflicted, shall be fined not exceeding 100 l. and suffer three

months imprisonment.

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Artificers going abroad, not returning in fix Disabilitye months after warning giving, are disabled to hold any lands, &c.

See Manufacturers.

Affault. See Affray.

An affault with intent to rob, is felony. Stat. 7 Geo. 2. c. 21.

By 31 Geo. 2. c. 39. So much of the act of Bakers. 51 Hen. 3. as relates to the affize of bread, and 31 Geo. 2. of 8 Ann. c. 18. and other acts continuing or amend. c. 29. ing the same, are repealed. Sca. 1.

Affize to be regulated by the price the grain, Affize of meal, or flour, bears in the market, and the profit bread.

to be allowed to the baker. Seat. 2.

Where an affize shall be fet, no fort of bread (wheaten and houshold excepted) other than what is thereby allowed, is to be made for fale under penalty

penalty of forfeiting not exceeding 40s. not less

than 20 s. Scat. 3.

Affize and price of bread to be fet according to the two tables marked in the act, No. 1. and No. 2. Sect. 4.

Affize to be fet in averdupoize weight, and in the proportions directed by the tables for the fe-

veral forts of bread Seef 5.

Return to be made weekly to the court of mayor and aldermen of London, by the meal-weighers, of the prices which the several kinds of grain, meal, and flour, fit for bread, publickly sell for in the markets of the city; the prices to be entered by them on a certain day, in a book to be kept in the town-clerk's office, and the affize and price of bread to be set the next day, and to take place according to order, and continue till a new affize be set, and to be published forthwith, before any advance or reduction be made in the price of bread: the meal weighers are to leave at the bakers hall, a copy of the returns made that day, that the company may have time to object thereto, before the affize be set. Sca. 6.

The court of mayor and aldermen, and magistrates, &c. in other cities, towns, and boroughs, may in like manner cause returns to be made them of the prices, which the several sorts of grain, meal, and flour, fit for bread, shall be publickly sold at, in the markets, within their jurisdictions; the prices to be entered and certified in a proper book, and the affize and price of bread to be set within two days after, and to take place and continue, (not exceeding seven days) and to be published as the court or magistrates shall direct. Sec. 7.

Two or more justices within their jurisdictions may set an assize of bread, and cause returns to be made by the clerks of the neighbouring markets, of the price at which grain, meal, and flour shall be there sold; the returns to be made on a certain day, and to be entered, and figned in a

book,

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book, to be kept for that purpose, the affize and price of bread to be fet within two days after, and to continue (not exceeding 14 days) to commence, and be published as shall be ordered. sea. 8.

Bakers may fee the returns the day after the fame shall be made, that they may have time to object to the advance or reduction to be made in the price of bread, before the affize be set. sed. 9.

Baker not liable to pay fees on account of the

affize of bread. f. 10.

Form of the returns to be made of the price of

grain, meal, or flour.

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The prices of grain, meal, and flour, as fold in the corn market, in in the of the day of 17

The best wheat, at by the bushel The second, at by ditto The third, at by ditto The best wheaten flour, at by the fack Houshold flour, at by ditto by the bushel Rye, at Rye, meal, or flour, at by the bushel Barley, at by ditto Barley meal, at by ditto Oats, at by ditto Oatmeal, at by White peas, at by the bushel White peas flour or mea, at by Beans, at by the bushel Bean meal or flour, at

Returns to be figured, to every of which returns the persons who shall be appointed to make the same, shall figure their respective names or marks. set. 11.

Form of publication of the affize of bread, as follows.

To wit. T HE affize of bread, day of	
day of now next enfui	
be in force for the fo	(12 (10 de 19 k)
And in places where penny, two pe penny, twelve-penny, and eighteen penn shall be made as followeth.	ny loaves
The penny loaf wheaten, is to weigh Ditto houshold, is to weigh	lb. oz dr.
The two-penny loaf wheaten, is to weigh Ditto houshold, is to weigh	0111
The fix-penny loaf wheaten, is to weigh Ditto houshold, is to weigh	Ded et
The twelve-penny loaf wheaten, is to weigh Ditto houshold, is to weigh	io pi e (i) kill felo c a adia
The eighteen penny loaf wheaten, is to weigh Ditto houshold, is to weigh	13
And in places where quartern, half pe peck loaves shall be made, then as followed the source of the	eck, and vs:
The peck loaf wheaten and is to	be

Half Peck, and quartern loaves, to weigh and be fold in due proportion to the peck loaf. Magiltrate to direct how the affize of rye barley, or mixed

is to weigh

weigh

Ditto houshold, is to

fold for

and is to be

mixed bread, when ordered to be made, shall be

published. feat 12.

Where bread of a certain denomination and value shall be ordered or allowed to be made, no bread of a different denomination is to be sold at the same time, under penalty of forfeiting, not exceeding 40 s. nor less than 20 s. for such offence.

The justices at a general or quarter sessions, may fix the jurisdiction of any hundred or place within a certain district, so as the affize of bread, set for

the same, may extend thereto. fiet. 14.

Entry to be made by every clerk of the market, & c in proper books, of the returns made by him, and of the rate, the affize and price of bread shall be set at from time to time; the said books to be open to the inspection of any inhabitant. sed. 15.

No alteration is to be made in affize of bread, un'es the price of wheat or other grain shall vary 3 d, in the bushel from the last return. 1. 16.

Any meal weigher, clerk of the market, &c. who shall neglect his duty, or make a false return, and any peace officer, who shall disobey the warrant of any magistrate, or judice, or otherwise neglect his duty, forfeit not exceeding 5 l. nor

less than 20 s. f. 17.

Any buyer, feller, or dealer, who shall refuse to disclose to the meal-weighers in London, or clerks of the markets, &c. in other places, the true prices, the several forts of grain, meal and flour shall be bought or sold at in the publick market, or shall give in a false or collusive price, forfeit not exceed-

ing 10 l. nor less than 40 s fia. 18.

Where any false return shall be suspected to be made, the court, magistrate, or justice, may within three days summon any buyer or seller, or other person likely to give information, and examine them upon oath touching the prices of grain, meal and flour, within seven days, and any person who shall not appear thereto without just cause

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shewn, or shall refuse to give evidence, forfeits not exceeding to 1. nor less than 40 s. and forswearing himself incurs the penalties of perjury. Party summoned not obliged to travel above five miles

from the place of his abode. feet 19

When an order shall be made for making bread for sale, of any other grain than wheat, or of mixt meal or flour, bakers to conform to such order, and make the bread of such weight and goodness, and at such price, as shall therein be directed, on penalty of forseiting not exceeding 5 l. nor less

than 40 s. feet. 20.

The feveral forts of bread made for fale, are to be always well made, and in their degrees, according to the goodness of the forts of meal or flour the same ought to be made of, without any adulteration or mixture, except the genuine meal or flour, falt-water, eggs, milk, yeaft, and barm, or fuch leaven as shall be occasionally allowed, upon penalty of the offender forfeiting (not being the fervant or journeyman) not exceeding 10 l. nor less than 40s or being committed and kept to hardlabour for any time, not exceeding one month, nor less than ten days; and if the offender be a servant or journeyman, on penalty of his forfeiting not exceeding 5 1. nor less than 20 s. or being committed and kept to hard labour for any time not exceeding one month, nor less than ten days; and the magiltrate may, out of the money of the forfeiture, publish in some news paper the offender's name, place of abode, and offence. fed. 21.

The penalty of adulterating corn, meal or flour, whether at the time of grinding, dressing, or bolting, &c. or of felling the meal or flour of one fort of grain for another fort, or any thing mixt, which shall not be of the genuine meal or flour of the grain the same is fold for, is not to exceed

1. nor be lefs than 40 s. 18. 22.

Where bread shall be a different mixture of corn than what it importes to be of, or is allowed.

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or where the proportion of the mixture allowed of shall not be duly observed, or where any thing shall be fold as flour which is not genuine, the offender is to forfeit not exceeding 5 1. nor less than

40s. felt 23.

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Where bread shall be made under weight, the offender forfeits not exceeding 5 s. nor less than 1s, for every ounce deficient, and if under an ounce, not exceeding 23. 6d. nor less than 6d. provided fuch bread complained of, if in any city, town corporate, or borough, be weighed before the magistrate within 24 hours after the same shall be baked, fold, or exposed to sale; and if in any hundred, riding, or division, &c. within three days of the baking or fale thereof, unless such desciency arose from some unavoidable accident, or by contrivance or confederacy. felt. 24.

All bread made for fale is to be fairly marked. the wheaten bread with a large Roman W. and houshold with H. in order to ascertain under what denomination it was made, and ought to be weighed, under penalty not exceeding 20 s. nor less than

5 s. fed. 25. de la 2016, e ben't thurstie wei Bakers demanding or taking an higher price for bread than what the fame shall be fet at by the affize, or refusing to sell to any person any of the forts allowed, or ordered to be made, when he shall have more than is necessary for the immediate use of his family or customers, forfeits not exceeding 40s, nor less than 10s. f.a. 26.

Bread of any inferior quality to wheaten, is not to be fold at an higher price than houshold bread

is fet at, on penalty of 20s. feet. 27.

Magistrates, justices, or peace officers properly authorized, may enter in the day time the houses. shops, Sc. of bakers, and search for and weigh the bread therein, and may feize such as shall be found wanting in goodness, due baking, or weight, or not properly marked, or of any different lort 12 Dest brief u.D. 3. 30 or cro south than than is allowed of, and dispose thereof at their dis-

cretion. fect. 28.

Where any miller or baker shall be suspected of adulterating meal or flour, the magistrate, Er, upon information made thereof, on oath, may enter the premisses of such suspected person himself, and make search, or may grant a search warrant to some peace officer, and such meal and flour, as shall be deemed to have been adulterated, may be seized together with the base mixtures and ingredients; and if seized by a peace officer, it is to be carried before a magistrate; if seized by the magistrate, or adjudged by him to be adulterated, he may dispose thereof as he thinks proper. Sect. 291

And the miller, mealman, or baker, in whose premisses such mixture or ingredients shall be found, and adjudged to be intended to be used in adultarating, is to forfeit upon conviction, not exceeding 10 l. nor less than 40 s. unless it be made appear, that the same were not lodged there with such intention, but for some other lawful purpose; and part of the forfeiture may be applied in publishing the offender's name, place of abode, and the of-

Ance 1. 30.

Persons obstructing or opposing any search or feizure as before said, are to forfeit not exceeding

51. nor less than 40 s. fett. 31.

Any miller, mealman, or baker, prefuming to aft as a magistrate, or justice, in the execution of this act, forfeits 50 l. to the informer, to be recovered in any court of record at Wishminster. [est. 32.

Where any baker shall on complaint make it appear, that the offence he was charged with, and paid the penalty of, was occasioned by the wilful default of his journeyman or servant, the magitate shall issue his warrant for apprehending the party, and upon conviction of the offence shall decree a reasonable recompence to be paid to the matter, and on non payment thereof shall commit the offender, to be kept to hard labour for any time

not exceeding a month, unless payment be fooner made feet 33.

All offences against this act may be heard and determined in a fummary way, by magiltrates within their respective jurisdictions; offenders may be summoned, and not appearing thereto, or offering a reasonable excuse, may be apprehended; matter of the complaint to be inquired into upon oath, and examination of witnesses; and the party to be convicted, or acquitted thereupon; the penalty on non payment thereof within 24 hours, is to be levied by diffress and fale, and if the goods and chattles of the party shall be removed into another jurisdiction, the magistrate thereof is to back the warrant of diffress; and the diffress, if not redeemed within five days, is to be appraised and fold, and all charges, after fettled by the magistrate, to be deducted thereout, and for want of diffress, the offender is to be committed for one month, unless payment be fooner made. fell. 34.

Power to fummon material evidence, and of compelling by warrant to appear, such as shall not appear upon summons; witnesses to be examined on oath, and on refusal without just cause shewn, may be committed for 14 days, but not less than 3.

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Conviction to be drawn up in the following form :

(To wit.) TE it remembred, that on this day of in the A. B. is convilled year of the reign of majefly's juffices of the peace for the faid before county of or the or division of the Said County of or for the city, liberty, or town of (as the cafe and do adjudge shall happen to be) for him, her, (or them) to pay and forfeit for the same, the fum of given under the day and year aforefaid. Sect. 36.

No

No conviction, or other proceedings, may be

removed by Certiorari, &c. Jett. 37.

Persons aggrieved by the judgment of any magistrate or justice, may appeal to the next general or quarter sessions, and execution of judgment is to be thereupon suspended, and appellant is to enter into recognizance, and give security to prosecute the appeal with effect, and the justices in their said sessions are to hear and determine the matter thereof, and award costs thereupon; if the former judgment be affirmed, the appellant is to pay down the forseiture and costs, and on default is to be committed; if the judgment be reversed, and the appellant be discharged of the conviction, costs are to be awarded and recovered against the informer. See 38.

If the conviction shall happen to be within fix days of the sessions, appeal may then be made to

the fessions following. fed. 39

Limitation of actions against magistrates, and justices, and peace officers. Act of 24 Geo. 2 extended to magistrates and justices acting under authority of this act; seven days notice to be given to peace officers before issuing out any action against him; notice to contain the name and place of abode of the prosecutor and his attorney, and cause of action; officer may thereupon make tender of amends, and plead the same together with the general issue, & c. in bar of such action; defendant recovering, to be allowed his costs; plaintiff recovering, intitled to damages and costs. J. A.

Persons sued on this act may plead the general issue, and obtaining a verdict recover treble costs.

feet. 41.

Projecution to be commenced within three days after the offence. [et 42.

General reservation of rights. fell. 43.

Refervation of rights of the dean and high Steward of Westminster, to set an assize of bread within the city and liberty of Westminster, and punish any breach thereof. Sect. 44.

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hin the Refervation of rights to the universities of Oxford and Cambridge, to set an assize of bread within their jurisdiction, and punishing breach thereof. Sect. 45.

By 3 Geo. 3. c. 6. Magistrates and justices to 3 G. 3 c. 6. inquire into, and take proof of, the prices which the several forts of bread, corn, meal, and flour, sell for in the publick markets; and where there are no publick markets, then to take proof of the present or last selling price thereof; so as to ascertain the price the same costs the baker. Sect. 1.

They giving previous notice to the deacon of the bakers company, or to two reputable bakers, to attend the taking such proof. feet. 2.

The proof to proceed upon the oaths of two witnesses conversant in the prices; who may be summoned, and compelled to appear and give evidence, so as they be not obliged to travel above five miles from home. Sect. 3, 4.

Evidence to be ingrossed in a book, and signed by the witnesses, and magistrates taking the same, and the respective prices to be declared, and entered in the said book, and signed by the magistrates, which is to be free to publick inspection; the affize and weight of bread for sale to be ascertained according thereto. Sect. 5.

The affize not liable to be varied, but to continue in force till a new one is made. feet. 6.

Upon application and proof offered of a sufficient variation of the price of any species of the said grain, by any two inhabitants or bakers, since the last assize, fresh evidence is to be taken of the current price, and a new assize is to be made conformable thereto. 1087.

Method of proceeding in case of conviction of offenders, in the recited or present act. fed. 8.

Where the magistrates of any city or borough neglect their duty in setting the due assize of bread,

two justices of county, &c. may require them to fet or alter the same; and on their neglect to comply therewith within ten days, they then settle such assize themselves. fet. 9.

The recited act, where not altered by this act, to extend to, and be in force within Scotland.

fett. 10.

3 G. 3. c. 11. By 3 Geo. 3. c. 11. After 1 May 1763, no affized and prized bread to be made at the same time in the same place, viz. upon pain of forfeiting not exceeding 40 s. nor less than 10 s. sect. 1.

Justices at any general, quarter or petty session, may appoint which of the forts of assize or prized loaves, and what other forts of bread, and of what grain, shall be made for sale; they causing an entry to be made of such orders; which is to be free for inspection; and a copy thereof to be set up in some market, or other publick place; or published in the country news papers, set. 2.

The only forts of affize bread made of wheat,

which shall be allowed. feet, 3.

A like proportion as to weight, is to be kept between the white and wheaten bread, and the wheaten and household affize bread; viz. on penalty of forfeiting, not exceeding 40s. sed. 4.

A proportion in the price is to be kept in the peck loaf, and half peck; and its other subdivisions, both in the wheaten and in household bread; and the household is to be one fourth cheaper than the wheaten; on penalty of forfeiting, not exceed-

ing 40s nor less than 10s. fed. 5.

The weight the peck loaf, and its subdivisions, are to weigh in every fort of bread which shall be made for sale; viz. on forfeiture not exceeding 51. nor less than 1 s. for every ounce wanting in the weight; nor exceeding 2s 6d nor less than 6d. for all under one ounce. The same to be weighed before a justice, within 24 hours hours after being baked, sold or exposed to sale, &c. if within any city.

city, town corporate, &c. or within the bills of mortality; and in other places within three days; unless such deficiency shall be fatisfactorily accounted for feet. 6

Bread of an inferior quality to wheaten not to be fold at a higher price than the household; on

forfeiture, not exceeding 20 s. feet. 7.

A large Roman (W) to be imprinted on all wheaten bread made for fale; and a large Roman (H) on all household bread; on penalty of forfeiting, not exceeding 40 s. nor less than 10 s. unless such omission shall be satisfactorily accounted

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Bread made of any other grain than wheat, to be impressed with such letters as the justices shall order; they causing an entry to be made of such order, which is to be free for inspection; and a copy thereof to be set up in some market, or other publick place, or published in the country newspapers. Where the justices neglect to make such order, the baker is to make every such loaf with two distinct capital letters; on penalty of forfeiting 40 s. nor less than 5 s. for every such unmarked loaf. seed. 9.

Justices and peace officers (authorized by warrant of a justice) may enter the houses of bakers, and search for, examine and weigh all bread made for, and exposed to sale, &c. and bread found defective in the weight, or not duly marked, or wanting in due baking, or goodness, or being fraudulently mixed, &c. may be seized and given to the poor; unless such default shall be satisfactorily accounted for, and the maker and seller shall also sorfeit, not exceeding 5 1. nor less than 20 s. for every such offence, unless the default shall be satisfactorily.

factorily accounted for. fea. 10.

Penalty of opposing any legal search, views, weighing, trying, or seizing of bread, is not to exceed 40 s. nor be less than 20 s. sea. 11.

oN state was to Act as One

No miller, mealman, or baker, may act as a justice in the execution of this act, on penalty of

50 l. fett. 12.

Baker making it appear, that any offence for which he shall have paid the penalty, was occafioned by the neglect or default of his servant:
justice to iffue his warrant out for bringing the
offender before him; and on conviction, order a
fum to be paid by way of satisfaction; and on nonpayment thereof, is to commit such servant to hard
labour, for any time not exceeding one month;
unless payment be sooner made. set. 13.

Justices to hear and determine all offences against this act in a summary way; and the penalties to be paid within twenty-four hours after conviction, or to be levied by distress and sale. Warrant of distress may be backed. Distress to be fold within five days; and all charges to be deducted thereout. For want of sufficient distress,

the offender to be committed. feet. 14.

Form to be observed in convictions in England.

fett. 15.

Form in Scotland to be as for other offences of the like nature. feet. 16.

No conviction, &c. removable by certiorari.

feet. 17.

Persons aggrieved by the jadgment of a justice, may appeal to the quarter sessions; entring into a recognizance, with sureties to prosecute the appeal. Justices at the quarter sessions to hear and determine the matter of such appeal, and award costs. On the appeal being assumed, the appellant may be committed till payment of the costs, or composition be made. If the appellant make good his appeal, reasonable costs to be awarded him. f. 18.

Where there is not sufficient time between the conviction and sessions, appeal may be made to the

2d quarter fessions. feet. 19.

Limitation of actions brought against justices and peace officers. Act 24 Geo. 2. c. 44. extended

tended to justices acting under this act. Notice to be given to peace officers, before any writ be fued out against them; and if tender of amends be made by them, and the same shall be found to have been sufficient, &c. a verdict to be found for them, with cofts. Plaintiff recovering, intitled to damages and coits. Sia. 20.

Limitation of other actions. General iffue;

double costs. Sect 21.

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Limitations and remedies for rendering justices, peace-officers, and other persons safe in their duty, extended to Scotland. Sect. 22.

Limitation of profecutions for offences against

this act. Sect. 23.

Penalties and forfeitures how to be recovered and applied Scat. 24.

Rights of the two univerfities referved. Seet 25.

The constable of a parish is to apprehend mo- 25 attar= thers of bastard children, that are likely to become Dy. To apprehend

chargeable to the parish. Dalt.

It has been held, that, if any person drops a mother of bestards. child in a parish, with intent either that it may pe- Dropping an rish, or the parish be charged with the keeping it, infant in a the constable may put such person into the stocks, pariso. and detain him till he agrees to take away the child. But the fafer method is to carry the party before a magistrate. Cro. Eliz. 287. Owen, 98. Moor, 284. Poph. 12. Lion. 327. 2 Danv. A. 61. 149. pl. 1, 3.

A constable having information that persons re- Baweyfort to a common bawdy house, and there keep houses. company with lewd women, may with others called Lerod perto his affiftance enter fuch house, and arrest the fons in houses offenders for a breach of the peace. But he must of ill fame. fied them in company with lewd women, and he is to carry them before a justice of peace, which he may do without warrant, and the justice

may bind them to the good behaviour. Dali. 214, 469

Hory keepers of baredy. bouses, gaming-boufes, and other diforderly constables.

If any two inhabitants of any parish, paying fcot and lot, give notice in writing to any conftable of fuch parish, of any person keeping a bawdy-house, gaming-house, or any other diforderly house in such parish, the constable shall forthwith boufes, to be go with such inhabitants to a justice of peace, and projecuted by shall, upon such inhabitants making oath that they believe the contents of such notice to be true, and entering into a recognizance of 201. each to produce material evidence against such person for such offence, enter into a recognizance of 30 % to profecute with effect fuch person for such offence, and shall be allowed all reasonable expences of such profecution, to be afcertained by any two justices of the peace, and paid the same by the overseers of the poor. And in case such person shall be convicted of such offence, the overseers of the poor that pay 101, to each of fuch inhabitants. And in case the overseers shall not pay to such constable fuch expences of the profecution, or shall not pay epon demand the faid fums of 10% and 10% fuch overfeers and each of them, shall forfeit to the perfon intitled to the same, double the sum refused or neglected to be paid. Stat. 25 Geo. 2. c. 36.

Provided that upon such constable's entering into fuch recognizance, the justice of peace shall forthwith make out his warrant to bring the person accufed before him, and bind him or her over to appear at the next general or quarter fessions of the peace or next affizes, there to answer, &c. and may take fecurity for fuch person's good behaviour

in the mean time. Same Statute.

Penalty cm seglect of sutj.

Constable neglecting or refusing to go before a justice, or to enter into such recognizance or being wilfully negligent in carrying on such profecution, shall forfeit 201, to each such inhabitant so giving notice. Same Statute.

Any person, who shall appear, act, or b have Who decreed as master or mistres, or as the person having the keepers of care, government or management of any bawdy house, house, gaming-house, or other disorderly house, shall be deemed the keeper thereof, and be liable to be prosecuted and punished as such, notwithstanding he or she shall not in fact be the real owner or keeper thereof. Same Statute.

Any person may give evidence upon such pro Who wirfecution, either against or for the desendant, not-neffes,
withstanding he or she is a parishioner, or has entered into such recognizance as aforesaid. Same

Statute.

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No indicament for such offence to be removed by Certiorari. Same Statute. See Disorderly Houses.

In former times, flurdy beggars convicted of a Begs fecond offence, were to fuffer as felons. * Stat. gars. 27 H. 8. c. 25. Persons making themselves im How punishpotent, to be qualified for begging, may be in ed in former dicted and fined Co. Lit 127.

And beggars are to be whipt by constables as To be removagrants, if they continue to beg in streets, &c. and and by Stat. 17 Geo. 2. c. 5. See Vagrants.

Where a common bridge is in decay, and it can- 15 inges.
not be known who are to repair it; the contable Affection and two of the most able inhabitants in the parish, for require, are to make an affestment, and four justices of peace to allow it. 22 H. 8. c. 5. See 1 A. st. 1. c. 18.

Bridges ought to be repaired by the inhabitants By whom of the whole county, unless some particular per bridges are to sons are bound thereto by reason of tenure of their be repaired. lands, &c.

Justices in fessions, on presentment that a bridge How Iridgeis out of repair, may assess every town, parish, so and applied in proportion towards the reparation thereof; the money assessed is to be levied by the constables or

* This act is expired. See Ruffhead's flatutes at large, 4to Edit. 1763.

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headboroughs, &c. by diffress and sale, if not paid in ten days; and then must be paid to the high conflables of hundreds, who are to remit the same to treasurers, &c. Stat. 1 A. ft 1. c. 18.

Ne lets therein, &c.

And if any of the officers neglect to affels, collect or pay the money, they shall forfeit 40 s. Collectors, &c. of the tax, are to be allowed 3d. per pound. Ibid.

Indistment, and fines fet.

On an indictment for not repairing of bridges, a fine may be fet by the justices in fessions, upon any inhabitants of the county, being made defendants to the indictment, who shall have contribution from the rest. 6 Mod. 307.

Butter. Butter retailed in shops.

Julices of peace in fessions may restrain retailing butter and cheefe, which are to be fold in open shop, Gc. 3 5 4 Ed: 6 c. 21.

And corrup, butter is not to be mixed with good,

To be good, and fold in

on pain to forfeit double the value; also buyers of casks marked. butter are to set their marks on casks, &c. if the fellers open the casks, or put in other butter, after the casks are thus marked, they are liable to Under penal- the penalty of 20s leviable by a constable. 13 & 14 Car. 2. c. 26 f. 5, 6. 4 & 5 W. & M. c. 7. 1. 2.

23.1t= tons. & . probibird.

ties.

By virtue of a juffice's warrant, constables shall levy the penalties on taylors for making any clothes Cloth buttons, with buttons or button holes of clath, fluff, &c. And also on the weare s of the clothes, being 40% ter dozen. Stat. 4 Geo. c. 7. 7 Geo. St. 1. c. 12.

Cam= brics. Penalty for TUZ TINT carbris or French lazuns.

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After the 24 June 1748. It shall not be lawful for any person to wear in any garment or apparel, any cambric or French lawn, under the penalty of forfeiting to the informer 5 / for every offence up. on conviction before one or more justice or justices, on information upon oath, exhibited within fix days after the fact committed, to be levied by diffress

and sale of the offender's goods. Stat. 18 Geo. 2. c. 36, seet. 1. See 21 Geo. 2 c. 26.

The feller is liable to the same penalty. Same Stat. fell 2. Any person profesured for wearing cambric, shall be discharged if he will discover the person who sold it. Same Stat. feel. 3.

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By 32 Geo 2. c. 32. No cambrics, or French Cambrics, lawns to be imported but in bales, &c. covered French with cloth, containing each 100 whole pieces, or lawns. 32. 200 half pieces, on penalty of forfeiture thereof. 32.

The same to be imported for exportation only, and to be lodged in the king's warehouses, and delivered out under like security and restrictions, as prohibited East-India goods sect. 2.

One half of the old subsidy payable only upon the importation. [A. 3.

What goods shall be in private custody, are to be deposited in the king's warehouses, and the bonds thereupon to be delivered up, and the drawback upon exportation to be paid, and the goods not to be delivered out again but for exportation. Goods exposed to sale, or found in pri-

vate possession may be seized, and the offender to forseit 200 l. extra sed. 4.

In doubts concerning the species or quality, &c. of goods onus probandi to sie on the owner.

Goods feized, to be carried to the next customhouse, and after condemnation to be exported,

All penalties, &c. by this act imposed, may be sued for, & in any of his majesty's courts of record at Westmirster, or in the court of Exchequer at Edinburgh, by action, &c. in the name of his majesty's attorney general, or of his majesty's advocate in Scotland, or in the name or names of some officer or officers of the customs, and one moiety of every such penalty, &c. shall be to his majesty, his heirs and successors, and the other moiety to

fuch officer, &c. who shall seize, inform, or profecute for the same. Sea. 7.

Upon actions entered for pecuniary penalties, a Capias in the first process to be issued, and the defendant may give bail thereto, &c. Sea. 8

If any action or fuit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in fuch action, &c. may plead the general iffue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of this act; and if it shall appear so to have been done, then the jury shall find for the defendant, &c. and if the plaintiff shall be non fuited, or discontinue his action after the defendant, &c. shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant, &c. shall recover treble costs, and have the like remedy for the fame, as defendants have in other cases by law. feet. 9.

N. B. The penalty on wearing cambric or Fren b lawn, by 18 Geo. 2 c. 36. and 21 Geo. 2. c. 26, are not at all affected by the above act.

Carti= ages. Alloquance carriages by Stat. 2 Geo. 3.

When a justice of peace issues out orders to conflables, to provide carriages on the marching of foldiers, the constables are to do it, being allowed for providing by the officers, 1s. a mile for a waggon with five horses, or a wain with fix exen, or four exen and two horses, and od. a mile for a cart with four horfes, and so in proportion 2 Geo. 3. c. 11. f.

Foreing borfes, &c.

39. Officers obliging constables to provide saddle horses, forcing horses from owners, &c. or making a carriage travel more than one day, or not discharging the same in due time, to return home, or fuffering the foldiers or fervants (except fuch as are fick) or any woman to ride in the waggon, &c. forleit 5 1. 2 Geo. 3. c. 11. f. 39. Conflables

Constables neglecting or refusing to execute ju., Neglect of A ces orders, or any other person hindering the ex. constables, &c. bow puecution thereof, shall forfeit not exceeding 40 s. nished. nor under 10 s. to the poor. 2 Geo. 3. c. 11. f. 39, 40. See his duty concerning the militia, by 2 G 3 c. 20.

If a constable is at a greater expence than what is before allowed for providing carriages, he is to be reimburfed by the treasurer of the county, according to fuch orders as the justices without fee or reward shall make at the quarter-fessions. 2 G. 3. c. 11. J. 40.

No waggon shall be obliged to carry above What weight thirty hundred weight. 2 Geo. 3. c. 11. /. 42. waggons to

The horses of waggons, having more than their carry. Horfes tenumber allowed by statute, which may be seized as longing to forfeited, are to be delivered to constables, &c. waggons, and by them re-delivered to the feizor, on convic- when feized. tion before a justice. Stat. 5 Geo. c. 12. The like of horses seized for that the fellies of the wheels of the carriage are narrower than nine inches or by long wear reduced to narrower than eight inches. Stat. 26 Geo. 2. c. 30.

Constables, tithingmen, churchwardens, over- Cattle. feers of the poor, or any other persons, may take imported from and seize all cattle, sheep, swine, beef, pork, ba Ireland. con, &c. brought from Ireland, and cause the said cattle to be killed in fix days after conviction of the offence, and the hides and tallow shall be to the fei- Forfeited. zor, and the remainder to be diffributed by the churchwardens and overfeers amongst the poor of the parish where imported, or found. Stat. 18 Car. 2. c. 2. 20 Car. 2. c. 7. 32 Car. 2, c. 2.

Constables, or others seizing cattle, &c. import- Officers not ed out of Ireland, and not giving notice in fix days doing their after the conviction, to churchwardens and over- duty. feers, of fuch seizure; and they not distributing all but the hides and tallow to the poor, forfeit 40 s. Forfeiture, for every one of the great cattle, and 10 s. for

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every theep or fwine; one moiety to the poor, the other to the informer; or to be committed to gaol for three months. Stat. 32 ar. 2. c. 2.

Second Seizure.

Cattle found alive in any other parish after they have been seized, are liable to a second seizure: and if there be any English, Scotch, or other cattle intermixed with Irifb, they shall be forfeited.

Irish cattle. 32 Geo. 2. c. II.

By 32 Geo. 2. c. 11. Free importation of all forts of cattle from Ireland, allowed for five years, from the first of May 1759, the same to be duty free. feet. 1.

The general iffue may be pleaded, and treble costs recovered.

Stealing cattle, or carcaffes, felony.

Persons that drive away, theal or kill sheep, or any other cattle, with an intent of itealing their carcaffes, or part thereof, are guilty of felony. Stat. 14 Geo. 2. c. 6. 15 Geo. 2. c. 31.

Cloth thiers. Regulating Norwich stuffs. Kidderminfter fluffs.

Constables, on request, are to be aiding and afand Clo- fifting to the wardens and affiftants of the weavers of Norwich fluffs in the city of Norwich and county of Norfolk, in regulating that part of the clothing trade. Stat. 13 & 14 Car. 2. c. 5.

And they are likewise, upon request, to be asfifting to the prefident, wardens, Ge. for regulating the making of Kidderminfter ftuffs, in the borough of Kidderminfter, Stat. 22 Car. 2. c, 8.

Power of bigh conftables.

High constables may hear and determine complaints of clothiers and their work people; and commit the last till they make fatisfaction for da-4 Ed 4. c. 1. mages.

Ufing deceitful stuff.

If any person make use of flocks, hair, or other deceitful thuff in making broad cloth, on certificate by two justices, he shall forfeit ; I to be levied by churchwardens and overfeers of the poor, &c.

Searchers of slotb.

And juffices are to appoint fearchers of cloth yearly, who shall fix their seals to it, &c. Stat. 39 Eliz. c. 20.

Spinsters, &c emberzling or detaining any wool from clothiers, shall make facisfaction; or be whip'd

or put in the stocks by constables, &c. Stat. 7 Jac. 7 It is made a forfeiture of double value, by I

ri fat 2. c. 28.

Broad cloths are to contain the quantity men-Length of tioned in the feals, or the feller shall forfeit a fixth bro. d cloths. part. Millmen refusing to fix seals, and others detacing or counterfeiting, &. forfeit 201. Cloths are not to be stretched above one yard in twenty in length: They are to be measured by two indifferent persons chosen by the buyer and seller, or on their disagreement, by a person appointed by chief magistrates of towns, &c. sat. 10 Ann. c. 16.

The flat. 12 Geo. c. 34. was made against Combinations combinations of weavers in the clothing trade for of weavers advancing their wages, &c. and for punishing the punished. same: And if any weaver return his work unfinished. &c. he shall be sent to the house of correction

for three months.

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or or It is ordained that clothiers must pay their work Wages, how people their full wages in money, and not in goods, paid.

on pain of 10%.

Clothiers are to give out all wool, yarn, &c. Workgiven by weight; and not use any ends of yarn, or other out, &c. refuse, by working them up again, under the permatties, nalty of 5 l. leviable by constables, by warrant of two justices of peace. And constables by such warrant may enter and search houses for ends of yarn, &c. 13 Geo. c. 23.

Where persons embezzle any woollen materials, Embezzlers &c. they shall forseit double value; or be sent to of wool, bow the house of correction, and there whipped, and punished. kept to hard labour sourteen days: And for a se-Secondoffence, cond offence forseit sour times the value, &c. to Forseiture.

be levied by constables. 13 G. 2. c. 8. 13 Geo. 2.

By virtue of a justice's warrant, constables are Search for also to search for cloth taken away in the night cloth taken from tenters, and yarn or wool lest out to dry, from tenters, and levy by distress a sorseiture of treble value on 15 Geo. 2. offenders. stat. 15 Geo. 2. c. 27.

And

Wollen ma. nufactures. 32 Gco. 2. 6. 34.

And now by 32 Geo. 2. c. 34 No woollen manufactures of France may be imported by, or on behalf of an English subject into any of the ports in the Levant feas. feet. 1.

This act was only during the war with France.

fa. 16.

Coals. in London, We.

The fack of coal is to contain four bushels of Measure and clean coals: And fea coals brought into the river price of cocls Thames, and fold, shall be after the rate of 36 beshels to the chaldron, &c. The lord mayor and aldermen in London, and the justices of the peace of counties, are empowered to fet the price of all coals to be fold by retail, and may appoint officers to fee them fold at the rates appointed. Car. 2. c. 2. 17 Geo. 2. c. 35.

Bulbels and Tacks to be Ramped.

And for regulating the coal trade, fellers of coals are to keep a lawful bushel edged with iron, and fealed or ftamped; and using other measures, or altering them, incurs a forfeiture of 50/, There must be three bushels to each fack; and the facks are to be marked, and be four feet and two inches in length, and twenty fix inches in breadth, on pain of 201. &c. Rat. 29 Geo. 2 c. 26.

Penalties bow recovered.

The penalties under 5 /. inflicted by this fratute, are recoverable on complaint before the lord mayor of London, or any justice of peace, to be levied by distress by constables, & e. and for want thereof the offender may be committed to the house of correction, not exceeding 30 days. flat. ibid.

Coal-meters appointed for Westminfter, Oc.

Land coal meters are appointed for the city and liberty of Westminster, that part of the duchy of Lancaster adjoining thereto, the parish of St. Giles in the Fields, St. Mary le Bon, and fuch part of the parish of St Andrew Holborn as lies in the county of Middlefex; and all contracts for coals, not being less than five chaldrons, shall be for pool measure, including the ingrain of one chaldron, though

though the term of pool measure shall be omitted in the contract Coals fold as wharf measure, to be measured in the presence of a coal-meter. feller to pay 4d. a chaldron for metage. to be delivered to the carman, and by him to the consumer, under the penalty of 57. Coals exceeding the quantity of eight bushels being fent by a cart without a ticket, a penalty of sol, is incur-Coals exceeding that quantity, not to be fent but in the presence of a coal meter. Consumer declaring himself distatisfied with the measure, the driver of the cart not to depart till a coal-meter can be procured. All forfeitures not exceeding sl. are to be levied by diffrefs, one moiety to the informer, the other to the poor; and in default of distress the offender to be committed to hard labour for not more than 30, nor less than 14 days. Stat. 19 Geo. 2. c. 35.

See 31 Geo. 2. c. 76. for relief of the coal Coalbeavers, heavers working upon the rives Thames, and for 31 Geo. 2. enabling them to make provision for such of them-c. 76. selves as shall be sick, lame, or past their labour,

and for their widows and orphans.

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By 32 Geo. 2. c. 27. Carter, &c. fraudulently Coals. 32. delivering, or suffering coals to be taken from his Geo. 2. c. cart, to be publickly whipt and committed for 27. three months. Sect. 1.

And if coals upon remeasurement shall fall short of the quantity they were originally sold and measured for, the principal coal-meters shall pay 40s. for every bushel wanting of the measure. Sec. 2.

Labouring coal-meter delivering tickets for coals, which he was not prefent at the measuring of, to be committed to hard labour for 30 days, and incapacitated, and the principals to forfeit 51.

Sacks to be four foot four inches long, and wenty-fix inches broad; 40s, penalty on using acks of less dimensions. Seek 4.

Labouring coal meter using facks of less dimenions than here allowed, or neglecting his duty, forfeits feits 40s. to be applied as directed by 19 Geo. 2.

c. 25. feet. 5.

Juffices upon application and complaint in any of the cases aforesaid, to summon and examine the parties, and upon the proof of the offence, to commit the offender. Sect. 6.

Provisions relating to the fee for the admeafurement of coals, or punishment of dealers or carters, to take place in such cases only where a meter shall have attended the admeasurement at the

buyer's defire. Sect. 7.

The powers, &c. of 19 Geo. 2. c. 35. except where altered hereby, to be in force during the continuance hereof, viz. from the 24th day of June 1750, for the term of feven years then next ensuing, and from thence to the end of the then next session of parliament, and shall be deemed a public act. Sect. 8.

Conben= ticles.

Constables, headboroughs, tithingmen, churchwardens, &c. are required to levy the fines im-Fines levied, posed on those, who shall be prefent at unlawful conventicles, by virtue of a warrant under the hand of one or more justices. 22 Car. 2. c. 1.

Not giving venticles.

Conflables, &c. knowing, or being credibly notice of con- informed, of any conventicle within their precincts, and not giving information thereof to fome justice of peace, or chief magistrate, and endeavouring to convict the persons, forfeit 51. 22 Car.

Penalty.

2. c. I.

To enter into conventicles are beld.

On information given of conventicles, conflahouses where bles, &c. with aid and affiftance, may, by virtue of a warrant from a justice or chief magistrate, [up. on refusal to enter), break open doors, and enter into any house or place, where they are informed fuch conventicles are held, and take into cullody persons unlawfully affembled. Ibid. Stat.

Exception. Protestant diffenters exsepted.

The houses of peers not to be searched, unless in the presence of the lord lieutenant, or two justices of the peace. And protestant diffenters are excepted out of this act. Stat. 1 W. & M. c. 18.

But

But if any affembly of diffenters shall be held in But not if any place, with doors locked or boited-during the they lock the time of service; they are liable to prosecution, as others, notwithstanding taking the oaths, &c. directed by act 1 W. & M. c. 18.

Any person sued for acting according to the Plea for exe-Stat. 22 Car. 2, may plead the general iffue, and cuting the give the special matter in evidence, and recover treble costs. Stat. 22 Car. 2. c. I.

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18. But

Corn may be transported to states in alliance, Coatt. when wheat, barley, malt, &c. do not exceed When may certain prices, by several statutes. 12 Car. 2. c. be transported. 4. 1 W. & M. c. 12. &c.

Persons that violently hinder others from carry. Persons bining corn to any fee-port town to be exported, by dering it, how feizing horses, or stopping carriages, &c. may be punished. imprisoned by two justices three months, and be whipped by constables, &c. And for a second Where guilty offence, or destroying corn in granaries, &c. to of felony. be guilty of felony and transported; and the hun- Damage dred where done, to make good damage, if under made good. 1001 and offenders not apprehended and convicted in twelve months. 11 Geo. 2. c. 22.

But if no fort of corn, meal, flour, &c. may be But corn not now exported to foreign countries, unless by the to be now exking's proclamation, upon pain of forfeiting 20s. Except by for every bushel of corn, and 12d. every pound proclamation. weight of meal, &c. Stat. 14 Geo. 2. c. 3. See Burn's Just. p. 340. 8vo. Edit. 1762.

The penalty inflicted on curriers, for not curry- Curing leather sufficiently, is leviable by the constables, riers. Gc. Stat 1 Jac c. 22.

Penalties for And they are to levy by a justice's warrant, the defaults leviforfeiture of 5/. where any currier doth not curry able by conleather sent him within 16 days between Michael- by justices Stables, &c. mas and Lady-Day, and in eight days at other warrant. times. Stat. 12 Geo. 2 c. 25.

Cufloms

Cultoms defined.

Customs are certain duties and impositions upon goods and merchandize imported and exported, payable to the crown.

Constables to affift officers.

And constables, &c. are to be affishing to all perfons appointed by the king for the collecting and managing of the cuttoms.

To Search for goods, &cc.

They are, upon request, to affist persons having a warrant from the lord treasurer, barons of the exchequer, or chief magistrates of ports, to make fearch for goods which have not paid the customs: and may enter into any house in the day time, and Break doors. if refisted, break open doors. But this last must be within a month after the offence committed.

Stat. 12 Car. 2. c. 35.

Suspected persons on the evalts to be taken up.

Constables and others, may take up persons that lurk about the fea-coafts, suspected to be concerned in running goods, and carry them before a justice, who, not giving a good account of themselves, shall be fent to the house of correction for a month; and 20s. shall be paid for every offender taken, Stat. 9 Geo. 2. c. 35.

When guilty of felony, and sransported. by 9 Geo. 2.

And three or more persons assembled and armed with fire arms, &c. to be affifting in the running, landing or carrying away goods uncustomed; or found passing within five miles of the fea, with any horses whereon shall be more than six pounds of tea, or five gallons of brandy, &c. landed without entry; and that obstruct or affault any officer of the customs, &c. are guilty of felony, and shall be transported. Stat. ibid.

Reavard for taking.

Also a reward of 50% is to be paid for apprehending persons so armed and affisting, &c.

Tea or brandy, &c. offered to fale And feizors kave a third part, &c.

And by this flatute, where any person offers brandy or tea, &c. to fale, without a permit, perfons may feize and carry the same to the next waremay be feized: house belonging to the customs or excise, and shall have a third part on condemnation, &c. 9 Geo. 2. 18 Gco. 2. c. 28.

Where Imuggling adjudged felony.

Any persons to the number of three or more, being armed, who shall assemble, and be aiding in the illegal exporting or running of goods, &c. of

appear

appear disguised with such goods, and resist the officers in the execution of their duty, shall be adjudged guilty of felony, and fuffer death.

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The penalties on deer-stealers are to be levied Deerby constables, by virtue of a warrant from a justice stealing. of peace; and constables may detain offenders two Penaltiesbew days, if they do not pay the forfeitures down upon levied. conviction, until a return may be made of the warrant of diffress. Stat. 13 Car. 2. c. 10.

The forfeitures are zol. for courfing or hunting Penalties deer in any park or place inclosed, and 301 for particularievery deer taken, wounded and killed; one third zod. part to the poor, another to the informer, and the other third to the owner of the deer. Stat. 13. Car. 2. c. 10. 3 & 4 W. & M. c. 10.

Conflables may enter any suspected place, and Conflables to carry away venison, skins of deer, toils, &c. by search suspecwarrant from one justice, and likewife carry the ted places, offender before the justice, to give an account how ec. he came by the fame,

By Stat. 5. Geo. c. 15. park keepers killing Penalty by deer without confent of owners, shall forfeit 50% new all, And persons pulling down walls, &c. of parks, 5 G. 1. are liable to the penalties for killing deer,

Deer stealers convicted before a judge of gaoldelivery, may be fent to the plantations for feven years, by this statute.

And if any persons armed with swords, fire- Atl against arms, and other weapons, and having their faces Waltham blacked, &c. shall appear in any forest or park, blacks, &c. and unlawfully hunt or kill ony deer, rob any war- 9 Geo. 1. ren, &c. it is felony without benefit of clergy. flat. 9. Geo. c. 22, made perpetual by 31. Gco. 2. c. 42. J. 3.

See Riots.

Any constable, &c. has power to take up a per- Deser= on suspected of desertion, and to bring him be- ters. fore a justice; and if, upon examination, it shall To apprehend appear that he is a lifted foldier, the justice shall them, &c. F 2

commit

commit him to the county gaol, and give an account thereof to the fecretary at war. 20s. reward for apprehending a deferter, to be paid by the collector of the land-tax, on warrant for that purpose from the justice of peace. Stat. 2. Geo. 3.

And persons harbouring, concealing, or affishing a deserter, shall forfeit 51. same stat. 1.50

Difoz= Derly boules. Florifes, &c., for dancing mulick, &c., not licensed, deemed such. Any house, room, garden or other place, kept for publick dancing, musick or other publick entertainment of the like kind, within twenty miles of London or Westminster, without a licence had for that purpose from the last preceding Michaelmas quarter sessions of the peace, shall be deemed a disorderly house or place; and any constable or other person authorised by warrant of a justice of peace, may enter such house or place, and seize every person found therein, to be dealt with according to law.

See Bawdy - Houfes.

Diffile
levs.
Entering difillers bouses,
and levying
penalties.

Constables shall be assisting to the officers of excise, in entering the houses of distillers to make search after and seize unlawful stills; and they are to levy the penalties for setting up any private still, tun, pipe. Se. by virtue of a justice's warrant. Stat. 3 & 4 W. & M. c. 15. 10 & 11 W. 3 & 4.

Perfons felling brandy about streets,

Distillers are to pay certain duties, and make an entry of all ware-houses, still-houses, &c. And persons hawking or selling brandy or other distilled spirituous liquor about streets in wheel barrows, or on any bulk, shed, &c. shall forseit 10/. leviable by constables, by warrant of justices, &c. Stat. 6. Geo. c. 21. 6 Geo. 2. c. 17.

Large duties on retailing brandy, &c. repealed.

The statute of Geo. 2. laid a very large duty on brandy, &c. sold by retail by distillers, and on licences for retailing the same; but these duties are taken off and repealed by the lare at 16 Geo. 2. c. 8.

But

But no persons shall retail any distilled spirituous But retailers liquors, without first taking out a licence from the tobe licenseds commissioners of the excise, &c. and paying 20s. yearly, or for-yearly, under the penalty of 10l. or to be com-feit 10l. &c. mitted to the house of correction, and conveyed 16 Geo, 2. thither by constables, where they shall be kept to hard labour for two months. stat. ibid.

These licences are to be granted only to persons Licences, to that keep taverns, victualling houses, inns, cossee-woom only houses or alchouses. And none shall be demeed a granted. retailer, who does not sell spirituous liquor in less

quantities than a pint. Ibid.

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But if such tavern-man, &c. shall afterwards, during his licence, exercise the trade of a distiller, grocer or chandler, or keep a brandy shop for sale of spirituous liquors, his licence to be void, and he forseit 101. for every offence. sat. 17 Geo. 2:

Every person who by himself or any other for Who deemed his benefit, shall retail spirituous liquors, mixed or a retailer. unmixed, in less than two gallons, without a licence, to be deemed a retailer, and forseit 10%.

for every offence. Same flat. § 19.

Penalties and forfeitures by the statute 16 Geo. 2. and by statute 17 Geo. 2. c. 17. may be sued for, recovered, levied and mitigated in the same manner as any penalty, &c. may be sued for by any laws of excise. Same stat. § 16.

Justices may, if they think proper, instead of Punishment levying the penalty, commit the offender to the by hard lahouse of correction, to be kept to hard labour for whipping, two months, who before discharged shall be whipt.

Same Stat. § 17.

And then the commissioners of excise to cause Reward to such sum, not exceeding 51. to be paid to the in informer. former, as they shall judge meet. Same star. §

An additional duty granted of 20s. a year for Additional every licence for retailing spirituous liquour. flat. duty of 20se 24 Geo. 2, 6, 40.

F 3

Penalty

Penalty before rubom to be recovered.

Penalty of 101, for retailing spirituous liquors within the limits of the head office of excise in London, may be recovered before a justice of peace as well as before the commissioners, but not in that or in any other case, to be mitigated under 5%. Same flat. and flat. 26 Geo. 2. c, 13.1

No licences pay to church and poor.

Licences granted within the limits of the head but to fuch as office of excise in London, to such as do not occupy a tenement of 101. a year or upwards, and are rated and pay in the parish rates, or to any person in any other part of the kingdom, who thall not be affeffed and pay to church and poor, where there are rates to church and poor, are declared to be void. Same flat.

But licences may be granted to any person within the limits of the head office of excise in London, who shall in any tenement where the occupiers are not ratable to church or poor, keep a tavern, victoalling house, &c. for which he shall pay 12% a year without dedaction, although he be not rated, and do not pay to church or poor. flat, 26.

Geo. 2. c. 13.

Additional penalties.

Perfons retailing spirituous liquors without a licence, shall, over and above all former penalties, be liable to the following, viz, for the first offence, all distilled liquors then or in fix months after in the custody of the offender, or in the house, lodging, shop or warehouse, where the offence shall be committed, or any court yard, ground or place occupied therewith, whether then in the occupation of fach offender or not, or in the occupation of any other person, may be seized by virtue of a warrant from the commissioners, for any justice of peace, and be forthwith staved or otherwise destroyed; for which purpose any peace or parish officers, authorized by fuch warrant, shall have rower, within fix months after conviction, to enter fuch places and break open doors, if not opened on demand. For the second offence, to be committed to the house of correction, and be kept to hard labour for not exceeding three months, and also (if the commissioners

commissioners or justice shall think fit) may be ordered to be whipt. For the third offence, to be deemed guilty of felony, and transported for not exceeding feven years. Same Stat.

Any constable, by warrant from a justice of Selling spiripeace, may enter and fearch any gaol, prison, tuous liquors house of correction, work-house, or house for en in gaols, &c. tertainment of parish poor, and in case any spirituous liquors should be found therein, (except prefcribed by any regular physician, surgeon, or apothecary, to be used medicinally) may seize the same, and cause it to be forthwith staved and destroyed. 24 Gco. 2. c. 40.

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Any person convicted of a breach of his recognizance entered into on obtaining a licence to fell ale, beer, or other liquors, is disabled to fell any ale, beer, cyder, perry, spirituous liquors or strong waters for the space of three years; and any licence granted or to be granted to fuch perfon, during that term, shall be void. Stat. 26 Geo. 2. c. 13.

The constable in taking distresses is to affift the Tofa landlord or person distraining; as where any goods stresses. or chattels shall be taken in distress for the rent re. Constables to terved, and due upon any demile, lease or con-affifintaking tract; and the tenant and owner of the goods shall a diffress. not within five days after fuch diffress taken, and notice thereof given, and of the cause, left at the dwelling house, or most notorious place on the Manner of premisses charged with the rent distrained for, re taking a plevy the same according to law; then the land- diffress. lord, or person distraining, may with the sheriff, or under theriff of the county, or with the constable of the hundred, parish, or place where the diffres shall be taken, (who are required to be aiding and affifting therein), cause the goods and chattels to be appraised by two sworn appraisers, and Goods apafterwards fell the same for the best price, towards praised and latisfaction of the rent and charges of making the fold. distress, appraisement and fale, leaving the over-

plus

p'us in the sheriff's or constable's hands for the use of the owner. Stat. 2. W. & M. Seff. 2. c. 5.

Oath to be administred.

The under-sheriff, constables, &c. are to administer an oath to the appraisers, to appraise the goods truly; and if the appraisers value goods distrained too high, they shall be obliged to take them at the appraised price.

Appraiser's

Y OU shall swear, that you will faithfully appraise and value the goods now taken in distress, and mentioned in the inventory to you shewn, as between buyer and seller, according to the best of your skill and understanding: you shall not through partiality, interest or otherwise, over or under estimate the said goods, but shall impartially do your duties berein.

So help you God;

Inventory of An inventory of the goods seized and distrained goods diby A. B. of, &c. in the house of C. D. of the frained, &c. same place, or in, &c. street, London, for ten pounds, being one half year's rent due to the said A. B. at Lady Day last: Taken the day, &c. for the rent aforesaid,

In the room forwards

In the room backwards, &c.

In the kitchen, &c.

Valued in all at twelve pounds and ten shillings.

Witness our hands this day of, &c. in the year of our Lord 17.

W. L. Sworn appraisers. F. G. Constable.

Notice of di- Mr. C. D.

Bress taker. This is to inform you, that I have this day of, &c. seized upon part of your goods in your house in &c. as a distress, for ten pounds, being half a year's

year's rent of the faid house due to me at Lady-Day last, and have taken an inventary thereof, and locked the same up in the room, &c. and if you do not pay the rent due, or replevy the goods mentioned in the inventory, I shall in five days make fale thereof, according to the direction of the act of parliament; of which take notice from vours, &c.

Diffresses for rent, are to be reasonable; and if Distresses to of cattle they must be impounded in the common be reasonable. pound, or kept in an open place, that the tenant may come to feed them; and they may not be used, except for the owner's benefit, by milking &c If d stress and sale be made where no rent is Whereno rent due, the owner of goods shall recover double va- due, Penalty. lue and costs. And tender of rent upon the land, before the distress, makes it wrongful. 2 W. &

M. Seff. 2. c. 5

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If a ars

If tenants fraudulently convey away goods from Goods conoff the premisses, the landlords, &c. may in five veyed away. days seize such goods wherever to be found, as a difires for the rent in arrear; except the goods be fold for a valuable confideration before feizure: and in case of any execution against the tenant, Rent paid on paying a year's rent to the landlord, the goods on executions. the premisses may be removed and sold. Stat. 8 Ann. c. 17.

Where goods are carried away in a fraudulent Distress off manner to prevent a distress for rent, the landlord the premifies, in thirty days after may diffrain them wherever they where goods removed. are, as if upon the premisses; and the tenant and others affifting in such fraud, shall forfeit double the Frauds puvalue of the goods, and being under 50%. two ju- nishable. flices of peace may order the offender to pay it, or commit him to the house of correction for fix months

Landlords may feize goods concealed in any When a Loufe house, &c. and break open the same, on oath first may be broke made before a justice, of reasonable suspicion that open to seize. the goods are therein: and any cattle on commons,

Corn grotuing, &c.

or corn, grass, or other product, growing on the lands, may be taken as a diffress, and when cured be disposed of, &c. Stat. 11 Geo. 2. c. 19.

Irregulari -2168.

Distresses shall not be unlawful, or distramers trespassers, for any irregularity; but parties grieved to have satisfaction for special damage. Stat.

Diffress in

The lands demised lay in two counties, part in two counties, the hundred of A, in Wiltsbire, and part in the hundred of B. in Hampshire; the landlord distrained in both hundreds, and the conflable of A. in the presence of the constable of the hundred of B. fold the goods in the hundred of B. It was resolved by the court, that tho' the act requires the oath to be administered by the constable of the hundred where the goods are, and here the constable administered the oath in the hundred of B. where he had no authority, yet it was legal, because the landlord could not fever the diffress, it being intire, and the hundreds contiguous, fo that driving was lawful, and a continuance of the first act. Salk. 247.

Dogs. See Title Game,

Drun: Bennefo. Penalties.

Constables are to levy the sum of st. on persons convicted of drunkennels, for the use of the poor: And if the party is not able to pay it, he must be fet in the flocks fix hours, &c. Stat. 4. Jac. c. 4. 21 Fac 6. 7.

Constables neglecting to

Neglecting to levy the faid penalty upon warrant from one justice, to forteit 10s. c. 4.

Constables, tithingmen, churchwardens, &c. are to present and suppress drunkenness, by the Stat. 21 Jac. c. 7.

Dpers. Deceitfully dying cloth, &c.

levy.

The penalties inflicted upon dyers, for dying cloth deceisfully, being in proportion to the length and goodness of the cloths, are to be levied by warrant of two or more justices, by constables, &c. if not paid in 20 days. Stat. 13 G. c. 24.

Forfeithres within ten miles of London, shall go Penalties and one moiety to the dyers company, and the other forfeitures in to the informer; and beyond that the whole to the London. informer. Ibid.

As to this head relating to beer, ale and other Excise. liquors, constables, upon warrants to them direct Alebouseed, are to summon all alehouse-keepers, &c. to keepers to appear before the commissioners of excise.

Officers of excise are to take with them a con-Constables to stable, when they enter into a brew-house, &c. by assist gaugers, night to gauge fats or vessels. Stat. 12 Car. 2. &c.

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Brewers refusing a gauger to enter in the night Refusing a with a constable, forfeit 201, and makers or re gauger entailers of cyder, vinegar, &c. 151.

Excisemen suspecting a secret conveyance of Secreet pipes. worts, may, upon request, and in presence of a constable, break open a door in the day time to make a discovery. Stat. 7 & 8 W. & M.

Persons opposing them forseit 201. Brewers Opposing keeping private houses, or altering any tun, vest-officers. sels, &c. without giving notice, forseit 501. one third to the king, another to the informer, and the other third to the poor. 15 Car. 2. c. 11. 1 W. & M. c. 24. 8 & 9 W. 3. c. 19.

Constables by warrant from justices are to levy General the penalty on offenders against any law of excise, power of carby distress, &c. And if there be no distress, to stables.

carry them to gool, there to remain till satisfaction be made. Stat. 12 Car. 2, c. 23. 1 W. &

The custom duties on cossee, &c. are taken off: Excise on and a duty of excise granted in their stead; and cossee, &c. entry is to be made of all warehouses, &c. under by late act. certain penalties: Dealers in cossee, and cosseehouse keepers, &c. shall keep an account of goods fold

fold every day, and deliver their books to officers on oath. Stat. 11 Gco. c. 30.

Cfcapes. Voluntary andnegligent.

Crime in the

constable.

If a constable permits a felon to escape before he is arrefled, it is a misdemeanor, for which he may be indicted, and fined; and if the felon be actually taken and in custody, and then he voluntarily fuffers him to escape, or to kill or destroy himself, it is felony in the constable: But if the escape is by negligence, or involuntary, or the felon destroys himself unawares to the constable, it is only fineable. Dalt. 379. Cro. Eliz. 752. Hetl. 73.

Constable may put irons on a felon.

A conflable may purfue an offender making an escape into another county, and bring him back to the justice of peace. Crompt. 148, 173, &c. He may put a felon in the flocks, and lock him in; or put irons on him, or pinion him, to prevent an escape, when he is about to carry him before a justice of peace, or to gaol. Dalt. 342.

When be may discharge, cape.

He may discharge any person arrested on suspicion of felony only, where no felony is commitand be no ef- ted; but if a felony be actually committed, he cannot justify the discharging him, though he knew that the party is innocent; but it must be done by due course of law, otherwise it will be an escape. Cromp. 40. Cro. Eliz. 202.

tute.

Aiding any prisoner to attempt to make his fons to escape, escape out of prison, though no escape be made, in what cases if the prisoner be convicted of or committed for felony by sta- treason or any felony, except petit larceny, is felony, and the offender shall be transported for seven years. If the prisoner be convicted of, or committed for any petit larceny or other crime, or in gaol for debt, &c. amounting to 100/ it is a misdemeanor, and punishable by fine and impri-

> Conveying into any gaol any difguise or arms, proper to facilitate the escape of prisoners, and delivering the same to or for the use of a prisoner,

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without the gaoler's confent, though no escape be made, shall be deemed to be done with an intent to aid fuch prisoner to attempt to elcape, and be

liable to the like respective punishments.

A ding any prisoner to escape from the custedy of any constable, &c. or other person lawfully having charge of fuch prisoner, in order to carry him to gaol, by virtue of a warrant of commitment for treason or selony, except petit larceny, or from the custody of any perion to whom he shall have been delivered, in order to be transported, is felony, and punishable by transportation for seven years. Stat. 16 Geo. 2. c. 31.

See Gaol and Gaolers.

A constable is bound ex officio to endeavour to felous. apprehend felons; and any offence that is in de- To apprehend gree text to treason, is felony; as murder, rob. felons. Felony, what. bery, theft, fodomy, rape, &c. he may raife men Seize fufficito affift him, apprehend persons on suspicion, and ous persons, carry them before a juffice to be examined; and call affiffance, upon complaint, or common fame, he may fearch break open suspicious houses, both for the selon and goods sto hen. And officers may break open a house to take a felon, or any one suspected thereof. Dalt. 322. But it is fafer to have a justice's warrant.

If felons or murderers be in a town or village, Comery to and the constable, headborough, &c. have notice gael. of it, they are to command affistance, and apprehend them; and afterwards it is the constable's bu-

fine is to see them conveyed to gaol.

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It a felon fly, the constable is to feize and make Pursuit of an inventory of his goods, and fend bue and cry felons, hue after him; that is, he may raise the town, and give and cry, innotice to the next constable, &c. And if upon goods, &c. such flight he is apprehended in another county, he must be carried before a justice of that county where taken, and committed to gaal there, and not in the county where the fact was done. Aliz. 6. 13.

Constable

NegleEts, penalty.

Constable neglecting, is fineable by the just. tices.

Transporta-

Persons convicted of felony, larceny, &c. withtion of felons. in the benefit of clergy, to be fent to the plantations for feven years, inflead of being whipt, or burnt in the hand; and for crimes excluded clergy may be transported for fourteen years. Returning without licence, &c. they are to fuffer death. Stat. 4 Geo. c. 11. &c.

Discovering felons tranfported, returning.

And whoever discovers, apprehends, and prosecutes any offender returning from transporta. tion, shall have 201. reward. Stat. 16 (10. 2. c. 15.

All persons may arrest.

Any person may arrest one that has committed felony.

fire. What to be done to prewent fires.

If any person builds a house in London, he must erect party wal's of brick or stone between house and house, to prevent fire, of the thickness of two bricks in length on the ground story, &c. or shall forfeit 50%. leviable by warrant of justices, by constables, &c. Stat. 6 Ann. c. 31.

Constables. &c. to offift.

And on the breaking out of any fire, all conflables and beadles shall repair to the place with their staves, and affist in putting out the same, and caufing the people to work, &c. Ibid.

Fire Cocks. See Churchwardens.

Filh. Constables to levy penalties.

Constables, &c. are to levy the penalty of ion for the poor, and treble damage, for fishing in a river without the owner's confent. Stat. 22 & 23 Car. 2. 1. 25.

To levy the penalty of sos. upon persons fishing in nets of less meshes than three inches and a half from knot to knot, on the fea coast, or in any hawen or creek, or within five miles thereof, or using engines to destroy the breed of the fish, by warrant from a julice of peace. 3 Fac. c. 12.

Search for neis ..

They are to fearch likewife, by virtue of a juflice's warrant, in Shropshire, Worceftershire and Clouceftersbire,

Gleucestersbire, for unlawful nets used to take fish in the Severn, and to seize such nets, and carry them to the quarter-sessions, to be destroyed. Stat.

10 Car. 2. c. 9.

Fishmongers of London ingrossing Billingate Fishmongers market or buying any quantity of fish there, but in London. what shall be for their own fale and use, forseit 20% one moiety to the poor, the other to the profecutor. Stat. 10 & 11 W. 3 c. 24.

No falmon shall be taken between the first of Fish not to be August and the 12th of November, in rivers, in the taken out of counties of Southampton and Wilts; nor salmon or season, &co trout under fize, &c. under a penalty not less than 20s, nor above 5 l. leviable by distress by consta-

bles, &c. 4 Ann. c. 21.

Salmon bought of fishmongers are to be fix Size of fish pounds weight, under the penalty of 5 l. and fish by 1 Georgial fold to be of certain lengths, as bret and turbet fixteen inches, brill and pearl fourteen inches, codlin twelve inches, flounder feven inches, whiting fix inches, &c. under the penalty of 20 s. Stat. 1 Geo. c. 18. And fee now Stat. 2 Geo. 3.

Forcible entry is a violent entring into, and de-forcible taining the possession of houses, lands, &c. and Entry. at common law, where a man had title to lands, How confruhe might not only enter, but detain by force: But ed at common the Stat. 5 R. 2. c. 8. prohibits the force, tho' a law. person have title.

This statute enacts, that justices of peace shall To affill in inquire into the force; and if constables refuse to removing the affilt the justices in removing the force, or carrying force.

offenders to goal, they may be committed and fi-

ned. 15 R 2. c. 2.

Justices of peace may cause the tenements to be feized. seized; and have power to avoid restitution, where lands are detained by force. Stat. 8. H. 6. c. 9.

L'orfeitures.

Conflables, upon warrants to them directed by a foreign. justice of peace, are to fearch for foreign bonelace, (5000s imported embroidery, needlework, fringe, &c. in fhaps, To fearch for open warehouses, and dwelling houses, and to seize embroidery, the fame. Stat. 13 & 14 Car. 2. c. 2.

Persons importing, selling or offering to sale such foreign manufactures, forfeit 100 l. for importing and 501. for felling them, and the goods; one moiety to the king, the other to profecutor.

Constables are likewise, during the late war Trade whib France in the with France, to be affilting in the execution of the Lite war . act probibiting the importation of French wines, and other foreign trade with that kingdom.

Forestallers of markets, and ingrossers and re-Africe Ital= grators are punishable by justices of peace in their ices and quarter fessions, on the presentment of constables, 3 n grof : ters, &c. Gr.

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fere.

And a forestaller by statute is declared to be one who bays victuals, or merchandize, Efc. by the way, before it is brought to fair or market, to the intent to fell the same at a higher price: A regrator is one that buys any grain, butter, cheefe, ese in a fair market, and fells the same in the same market, or within four miles : And an ingroffer is one who buys corn growing, &r. or but ter or cheefe, with an intent to fell again, Stat, 5 5 6 € 14

Farfitures on prefintment of con-Hables, &c.

Exception.

These offenders shall forseit for the first offence, the value of the goods, and fuffer two months imprisonment; for the second offence double the penalty, &c. and for the third offence shall lose all their goods, and be fet on the pillory, &c. ibid.

But maliters buying barley; badgers of corn, butchers and poulterers, &c. are excepted out of

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the act.

By 31 Geo. 2. c. 40. feet. 12. Salefmen, &c. Salefmen, &c. firefial- employed to buy or fell cattle, for others are not ling. 31 Geo. to buy or fell on their own account, on penalty of 2. 6. 40. forfeiting double the value. Sect. 1. Constables

Constables shall carry higlers, chapmen, inn Game. keepers, victuallers, &c. before a justice, for ha-To carry hig-ving in their custody, hare, pheasant, partridge, lers, &c. beheath-game, or other game; or persons as shall Penalty of buy or sell any such; who shall forfeit 5 l. for eve-baving game ry hare, &c. one half to the poor, and the other in custody. to the informer. Stat. 5 Ann. c. 14.

Constables, by a warrant from a justice, may en- Constables to ter and search the houses of persons suspected, not search for qualified to kill game, and if they find any game game. there, shall carry the offender before the justice; and if they meet with any dogs, nets, &c. may take away and destroy them. 22 & 23 Car. 2

c. 25. 4 & 5 W. & M. c. 23.

Constables may carry any person not qualified Persons not before a justice, for keeping of grey hounds, setting qualified to dogs, &c. and on conviction, they shall forfeit 5 l. keep dogs, &c.

Stat. 5 Ann. and 3 Geo. c. 11.

Persons qualified to keep guns, &c. and kill Qualification game, are such as have a free warren; lords of to keep guns, manors, or who have 100 l. per annum of inheritance, either in their own right, or in the right of their wives, or for life; or lease for 99, years of 150 l. per annum; a son and heir of an esquire, or one of higher dignity. Stat. 22 & 23 Car. 2.

c. 25. And persons thus qualified may take guns, &c. from those that are not. By Stat. 33 H. 8.

c. 6. Persons keeping guns, not being qualified, sorfeit 10 l.

If any person whether qualified or not qualified to kill game, shall sell, expose, or offer to sell, any hare, pheasant, partridge, moor, heath game, or grouse, he shall be liable to the same forseitures, pains, and penalties, as are instead by Stat. 5 Ann. upon highers, chapmen, carriers, inn keepers, victuallers or alehouse keepers, for buying, selling or offering of game to sale. Stat. 28 Geo. 2.

And if any hare, pheasant, &c. shall be found in the shop, house, or possession of any poulterer, G 3 falesman,

falelinan, fishmonger, cook or pastry cook, the fame shall be deemed an exposing thereof to sale. Same Stat.

Game keep rs

The 22 & 23 Car. 2. empowers lords of manors to appoint game keepers. And by 9 Ann. c. 25. and 3 Geo. game-keepers are to be entered with the clerk of the peace, to be qualified; or be fervants of lords of manors, under the like penalties, as for unlawful killing of game. See Stat. 8. Geo. c. 19.

See title Soldiers.

A warrant from a lord of a manor to a gamekeeper.

O all people to whom these presents shall come, IA. B of, &c. E/q; lord of the manor of &c in the county of, &c have nominated, autho. rized and appointed, and by these presents do nominote, authorize and appoint C. D. of, &c. to be my game-keeper, of and within my manor of, &c. aforesaid, with full power and authority, according to the direction of the flatutes in that case made and trowided, to kill game for my use, and to take and feize all such guns, grey bounds, setting-dogs, and other dogs, ferrets, trammels, bays, or other nets, Inares or engines, for the taking, killing or destroy. ing of bares, pheasants, partridges, or other game, as within the faid manor of, &c. and the precinets thereof, shall be kept or used by any person or persons not legally qualified to do the same: And further, to do all and every thing and things nubich belong to the office of a game-keeper, according to the direction of the Said acts of parliament; for which this shall be his sufficient warrant. Given, &c.

Entered the day, &c. Per I. W. Cher' Pac'.

Gaming.
To fearch gaming boufes.
10 Mod.
336, 337

Mayors, constables, and other head officers are to make fearch once a month where unlawful games shall be kept; and may arrest and imprison the masters masters of the houses, and the gamesters, till they give security not to do the like for the suture: the matter of any such gaming house sorfeits 40 s. a day. Stat. 33 H, 8. c. 9. There is a penalty likewise of 6 s. 8 d. for using unlawful games; and on default of payment, the offender to be set in Punishments the slocks three hours. Constables neglecting their of gamesters, duties, forseit 40 s for every default.

Tables, tennis, bowls, cards, dice, &c. are de-What unlawclared unlawful games, by the faid statute; but ful games. this extends only to artificers, apprentices, jour-

nevmen, fervants, Ge.

Persons having no visible estates, not making it Persons baappear that the principal part of their maintenance ving no visiis got by other means than gaming, are to be ble estate. bound to the good behaviour, being carried before

a justice of peace by a constable, Sci

If a person lose by gaming to 1, at one time, Money lost, he may recover the same back from the winner; bow to be and if the loser do not sue for it, any other person recovered, may, and recover the money, and treble value:

And where persons by fraud in gaming win above Where there that sum, they shall forseit five times the value, is fraud, and suffer such corporal punishment, as in cases of wilful perjury. Stat. 9 Ann. c. 14.

Persons who have used unlawful games, shall Security gienter into a recognizance, that they will not play wen not to at any time to come, &c. Stat. 2 Geo. 2. cap. Play.

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es he All private lotteries and sales of houses, plate, Act to &c. are suppressed and made liable to 200 l. pe-prevent exnalty; and the games of ace of hearts, faron, cessive and basset, and hazard, declared to be lotteries by cards and dice: And adventurers in any of the said games, by playing, staking, &c. to forfeit 50 l.

Stat. 12 Geo. 2. c. 28.

The forfeitures to be levied by warrant of Penalties lead justice of peace, by diffress of goods, by con-vied.

flables.

Penalty on keeping gaming boufes.

Any person who shall keep any house, &c. for playing, or shall fuffer any fuch person within such house, &c. to play at the game of the ace of heart, faron, baffet, hazard, the game of paffage, or any other game or games, invented or to be invented, with one or more die or dice, or with any other instrument, engine or device, in the nature of dice, having one or more figures or numbers thereon (backgammon and the other games now playing with the backgammon tables only excepted) or the game of roulet, otherwise roly poly, or at any other game with cards or dice already prohibited, being convicted before any one justice of the peace, shall forfeit 200 1. to be levied by diffress or sale of his goods, which, after deducting reasonable charges, shall be applied one third to the informer, the other two thirds to the Stat. 12 Geo. 2. c. 28. Stat. 13 Geo. 2. c. 19. Stat. 18 Geo. 2. c. 34.

On fuch as play.

Persons playing at the said games, forfeit 50 %. to be levied as above, if not able to pay the forfeiture, to be imprisoned, not exceeding fix months.

On fuch as refuse to give evidence.

If any person, who shall be summoned to give evidence, shall refuse to appear or to give evidence, or shall give false evidence, he shall forfeit 50% to be levied as above, or fuffer imprisonment, not exceeding fix months. Stat. 13 Geo. 2, c. 34.

For suppressing Gaming houses. See Bawdyboufes.

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Gaol and Baolers. ceive a prifoner;

When a constable carries a felon, or one suspected of felony to gaol, the gaoler is obliged to re-Gaoler to re- ceive him; but if he refuses to do it, then the constable may either secure the prisoner in his own house, or carry him back to the town where Or be punish- apprehended; and the town shall be chargeable for the keeping of him till the next gaol delivery,

ed.

where the gaoler shall be punished. 5 H 4 c. 10.

Constables by warrant from a justice of peace, Offender's may sell an offender's goods to defray the charges goods to be of carrying him to gaol, being first appraised by the charges some of the inhabitants of the place: But if the of conveying offender hath no goods, then the town where he bim to gaol, was apprehended must be at the expence; and the constable and chuschwardens, and two or more of the inhabitants may impose a tax, take a distress for ir, after allowed by a justice, and sell the distress when appraised by four inhabitants. Stat. 3 Jac. 6, 10.

It a prisoner escape from gaol by the negligence Escapes perof his keeper, and against his consent, it is felony mitted by in the prisoner for the breach of prison; and the gaoler's gaoler is sineable. Dalt. 379. Staunds. 32, 34. If voluntary in the gaoler, it is felony in him.

Constables are to levy money for reparation of Repairing of gaols, by warrant from justices. Stat. 11 & 12 gaols. W. 3. c. 19.

Constables by virtue of a warrant from two ju. Guttaflices of peace, may search for gun-powder in any powner.
florehouse, &c. in the day time where persons Search by
keep a greater quantity than is allowed by law; confiables
and justices of peace on demand by any parish of
the property of the person forms, or two housholders, assigning cause, shall allowed.
issue warrants for search and amoval.

Persons obstructing the search or amoval, forfeit Hindering

houses

The quantity of gun powder to be kept, is not Quantity of to exceed 200 lb. weight, in any place in the ci powder kept. ties of London and Wistminster, or suburbs thereof, or within three miles of the tower of London, or palace of St. James, or within two miles of any of the king's magazines for keeping gun-powder, nor more than 400 lb. weight in any house, &c. in any city or suburbs thereof, or in any market town, or within 100 yards distance thereof, or within two miles of any of the king's palaces or

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Not put on

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houses of residence, or within one mile of any of the king's magazines for keeping gun powder; nor more than 3000 lb. weight in any other place; but not to extend to a warehouse or magazine already built for that purpose, unless the justices at quarterfessions shall deem it dangerous, on pin of forfeiting the same: And gun powder must be carried in covered carriages, &c. Stat. 5 Geo. c. 26. 22 Geo. 2, c. 18. 11 Geo. c. 23.

No gun powder shall be put on board ships above Blackwall in the river of Thames; nor guns kept loaded or fired before rifing or after fetting of the sun, under the penalty of 5 1, to be levied by constables, by justices warrants, &c.

5 Geo 2. c. 20.

Ships of war are excepted out of the act.

Guns. Vide title Game.

Dam: hers.

Constables refusing to assist in putting the laws in execution against hawkers, &c. forfeit 40%

one moiety to the poor.

Penalties of Lawkers without licence.

Hawkers, pedlars, &c. travelling without a licence, shall forfeit 12/. and refusing to shew their licences, forfeit 51. Stat 9 & 10 W. 3. c. 27. Any person may feize a hawker till he produce a licence.

Duty paid to the king. Per fons excepted, and

On granting licences, hawkers, &c. on foot, pay 41. and if with a horse, als or mule, 81. duty to the king. But makers of goods, felling those of not bawkers, their own making, fellers of almanacks, acts of parliament, &c. and of fruit, victuals, &c. are excepted out of the acts against hawkers. Stat. 9 & 10 W. 3. c. 27. 3 & 4 Ann. c. 4. 16 G.o. 2. c. 26.

And makers and fellers of English bonelace going from house to house, &c. are not to be taken as hawkers. 4 Geo. c. 6.

Not to fell tea, Oc.

Hawkers and pediars, offering any tea, &c. 10

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sale, though they have permits, the same may be seized as forfeited. Stat. 9 Geo. 2. c. 35.

For carts of hay which stand to be sold in the Day=
hay market, so much per load is to be paid to market.
wards the paving and amending the street; and Hay carts to
they shall not stand lader after three o'clock in the pay duties,
asternoon, Sc. under the penalty of 5 s. And Hay sold to
the persons selling trusses of hay wanting due be full
weight, shall forfeit for every truss 2 s. 6 d. to be weight, unlivied by constables, by warrant of a justice. Stat. der penalties.
2 W. M. Sess. 2. c. 8.

By 31 Geo. 2. c. 40. sect. 1. Straw to be fold Sale of straws within the weekly bills, is to be made up into and bay retrusses firmly bound, and to weigh 36 ib. of sound gulated, 31 straw. Where straw is usually sold in trusses, whether within the said weekly bils or 30 miles distance, and shall be wanting of that weight, or shall be in the inside of a worse quality than the outside imports, the offender forseits for all straw not sold or delivered in trusses 20 s. and for every truss under weight, or of a mixt quality, 1 s.

Trusses of hay to be made up in like manner, of good and found hay only, and of equal goodness throughout, and the found hay to be allowed in weight only. Sect. 2.

Weight of the bands of a trufs of hay, not to

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exceed 5 l. on penalty of forseiting 1 s. Sect. 3.

Persons employed to bind hay or straw, not conforming to the rules of this act, forseit 3 d. per trus, the owner objecting within 24 hours. Sect. 4.

Salesman buying hay or straw on his own account to sell again, or selling in London, or within the weekly Bills, hay or straw bought by him on his own account, for seits 13. per truss. Sed. 5.

Hedge breakers, robbers of orchards, persons Bedgecitting corn growing, &c. committed to a consta-breakers. ble by a justice of peace, for not making the party To be whipe satisfaction for damages, are to be whipped by the by the con-

constable for the first offence; and if the constable neglect his duty, the justice may commit him with. out bail till the offender is whipped. and receivers of stolen wood, &c. knowing the same to be stole, are liable to the same punish. ment. Stat. 43 Eliz. c. 7.

To fecreb fufor stolen wood.

Constables have power to apprehend persons suf-Spicious places pected of hedge-breaking, having in their possession any underwood, poles, young trees, gates, files, posts, rails, &c. And by warrant from a justice of peace, to enter the houses of suspected persons; and if they find any, then to take the offenders, and those in whose houses, &c. the wood is found, and carry them before a justice. Stat. 15 Car. 2.

Penalties and forfeitures ...

Not giving a good account how they came by the same, they are to make such recompence to the party grieved, as the justice shall appoint, and pay a fum not exceeding 10 s. for the use of the poor; and in default, to be fent to the house of correction for any time not exceeding a month, or be whipped by the conflable. Stat. Ibid. of stolen wood, to pay treble the value to the party from whom taken.

Cutting timby Statute 1 Geo.

By a late statute, persons maliciously cutting or ber-trees, &c. spoiling timber trees, fruit trees, or other trees, are to be fent to the house of correction for three months, there to be kept at hard labour, and publickly whipped once in every month. 1 Geo. St. 2. c. 48. Burning timber or underwood, is made felony by this statute.

Satisfaction to be made.

Where trees, woods, &c. are destroyed, or hedges, gates, &c. broke open; the owners shall have satisfaction from the inhabitants of the place, &c. if the offender te not convicted within fix months, Stat. 6 Geo. c. 16.

親igh= mays. Confables mer flatutes.

By ancient statutes, constables were yearly on Tuefday or Wednesday in Easter week, to call togepower by for- ther the inhabitants of parishes, to choose two furveyors

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veyors of the highways for the next year, or they were liable to be fined in quarter fessions. P. & M. c. 8.

But now by the statute 3 W. & M. c. 12. con- Altered; lifts stables, churchwardens, &c. and inhabitants are of persons to enjoined to meet the day after Christmas day, and serve as furthe greater part of them fo met, shall agree on persons qualified to serve the office of surveyor; a lift of which the constable must return to the juflices of peace at a special sessions, on the third of to be returned January following, in order to their appointment to justices. of furveyors; under the penalty of 20 s. The like penalty for the constables not ferving fuch furveyors with the justices warrant within fix days after appointment.

Conflables and churchwardens have power to High conflacall a bailiff, or high constable, to account for fines bles, &c. acreceived for defaults in reparation of ways, on pre-countable for fentments, &c. And if he refuses to account, they may fummon him before two justices, who may commit him till he has fatisfied all the arrears, except 8 d. in the pound for his own pains in collecting, and 1 s. in the pound for the fees of the clerk

of the peace. 2 & 3 P. & M. c. 8. By statute 22 Car. 2. c. 12. All constables, as Constables to well as surveyors, are to put the act in execution put acts in relating to the repairing of highways, on pain of execution. forfeiting a fum not exceeding 40 s, at the diferetion of a justice of peace. And are to levy the penalties relating to scavengers, and defaults in cleaning the streets of London, &c.

See Surveyors of highways, &c. hereafter.

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The conflable on a justice's warrant, shall levy hops. the penalty of 5 s. a pound, for privately conveying Conflables to away hops, to avoid payment of the duty thereon; lowy penalties and the forfeiture for not entring the hop gardens. for frauds in Stat. 9. Ann. c. 12. 1 Geo. St. 2. c. 2.

Also the penalty for mixing ingredients with And foradulhops, terating beps. H

hops, to alter their colour or fcent, being 5 l. for every hundred weight. 7 Geo. 2. c. 19.

Borles and Borleraces. Driving of commons.

Constables are to affift at Michaelmas, or within 15 days after, in the driving of commons, forests &c. of horses, and cattle, on pain of 40 s. Stat. 32. H. 8. c. 13.

Stone borfes in commons. under sized.

They are likewise to affist in the seizing stoned horses, put into commons where mares are usually kept, not being of the age of two years, and fifteen hands high, (except in fen grounds, where thirteen hands high is allowed) and in the meafuring of them at the next pound, to which they are to be brought for that purpole, on pain of forfeiting 40 s.

Fens excepted.

Fens in the counties of Cambridge, Huntingdon, Nottingham, Lincoln, Norfolk and Suffolk, are excepted.

Horfe-races. cept at Newmarket, &c. by 13 Geo. 2.

Horse-races are prohibited, unless at Newmarketrestrained ex- heath, or Black Hamilton in Yorkshire, or the plate be of 50 /. value, under the penalty of 200 /. And no person shall run any horse at a race, except it be his own property, nor enter more than one horse, &c. for the same plate, on pain of forfeiting all other horses; also every horse-race is to be begun and ended the same day. Stat. 13 Geo. 2. -c. 19. Stat. 18. G. 2. c. 34.

House of Correc= tion. A bouse af correction to s in every county. What idle anddiforderly persons to be committed there.

There shall be in every county of England a house of correction, built at the charge of the county, with conveniences for the fetting of people to work. Stat. 7. Jac. c. 4.

And constables, by a justice of peace's warrant, are to convey to the house of correction idle and disorderly persons, parents of bastard children, beggars, servants running away, trespassers, vagabonds, &c. Also persons who live extravagantly, and have no visible way to support themselves, &c. And

And there they shall be set to work and labour, And when and be corrected by whipping. Stat. 39 Eliz. c. may be whipping. 15 Geo. 2. c. 24.

But persons ought to be convicted of vagrancy, on a convie-

&c, before they may be ordered to be whipped. tion,

The justices of the peace of any liberty, city, or town corporate, whose inhabitants are contributory to the support and maintenance of the house or houses of correction of the county, riding or division, in which such liberty, &c. is situate, may commit to the house of correction of such county, &c. any person liable by law to be committed to the house of correction, who shall be apprehended within such liberty, &c. to be there received, &c. as if committed by a justice of peace of the same county, &c. Stat. 15 Geo. 2. c. 24.

Hue and cry, as I have already defined in the Hue and head Felons, is a raising of a town or country for cry, the pursuing and apprehending of an offender, What, where a felony is committed, and he flies for the same; and is most commonly made for robbery on

the highway.

c.

The manner of making hue and cry is thus Mow mode. The constable, on the felon's being described, and for participation information given which way he is gone, is to call to purpose upon the parishioners to affish him in the pursuit in his precinct; and if the offender be not there, he is to give notice to the next constable, (who is to do the like as the first) and he to the next, and so to be made from town to town, and county to county, by horsemen and sootmen to the sea side; unless the offender in the pursuit is sooner apprehended: and in the mean time, the first constable is to make an inventory of his goods in the presence of his neighbours. Stat. 13 Ed. St. 2. c. 1.

Constables and officers of every town to which Search in hue and cry shall come, are to make diligent search the pursuit. in all suspected houses and places within their limits; and not only officers, but all others who

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Constables and officers of every town to which Search in hue and cry shall come, are to make diligent search the pursuit. in all suspected houses and places within their limits; and not only officers, but all others who

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shall pursue the hue and cry, may arrest all such persons as in their search and pursuit they shall find fuspicious, and carry them before some justice of peace of the county where taken, to be examined where they were at the time of the felony com. mitted. 13 Ed. St. 2. c. 1.

Constables neglecting their duty, may be indict-

Neglett of ed and fined. duty in con-Stables.

Inhabitants of any hundred where hue and cry is made, neglecting to pursue it, shall answer one moiety of the damages recoverable against the hundred where the robbery is committed. 27 Eliz. c. 13.

Further peglecting bue and cry.

Inhabitants

ment.

&c. Punifb-

When offenders are not taken upon hue and nalty for ne- cry, conflables shall levy the tax to answer an execution or recovery against the hundred, and pay it to the sheriff, &c. And if any constable neglect to make hue and cry, he shall forfeit 5% by flat. 8 G.o. 2 c. 16.

See more, title Felon.

Inns. licepers. I or aubat ordained. To be licenfed and regulated. Victuals to be nable prices by ınn-kee pers.

Inns are allowed for the relief and lodging of and Inn: travellers; but they are to be licensed and regulated by justices of peace, &c. And if a person fets up an inn, in a place where there is no need of one; or keep it in a fituation wholly unfit for it; or harbours thieves, &c. he may be indicted and fined. Dalt. 33, 34.

Inn-keepers are to fell all kinds of victuals for fold at reaso- man and beast, at reasonable prices, having refpect to the price fold in the markets adjoining, without taking any thing for horse litter; or they shall be fined and imprisoned; and for a third offence may be put in the pillory; by fat. 21 Jac. c. 7.

Refusing to lodge persons, provide viczuals, &cc.

And if a common inn-keeper or alehouse keeper shall refuse to lodge a traveller, or to provide him victuals, &c. who offers to pay ready money for the same; the constable, on complaint, is to cause fuch an inn-keeper, &c. to be indicted at the next feffions,

fessions, where the justices may punish him by fine

and imprisonment. Dalt. c. 7.

If the traveller does not approve this method of Action aproceeding, he may profecute the inn-keeper by gainft innaction at law, in any of the courts at Westminster, keepers. and recover damages, Dalt. c. 30.

And it is faid, the constable of the town may Compell'd by compel an inn-keeper to receive and entertain fuch constables.

a traveller as his guest. Hawk. P. C. 225.

Where disputes happen in an inn, or alchouse, Reckoning-&c. about any reckoning, and persons endeavour disputes not to escape, without paying; if there be no swords the constables. drawn, beating or breach of the peace, the conftable may not lawfully arrest and carry them before a justice. Mod. Rep.

For this is only a debt, for which action lies; But action to and if constables act in such cases, without a war-

rant, they may bring themselves into trouble.

At Michaelmas fessions yearly, constables, &c. Juries. are to give in, to the justices of peace, a list of the Lifts of pernames and places of habitation (within their re- sons qualified spective limits) of all persons qualified to serve on to be made. juries, between the age of 21 and 70; and sheriffs shall impanel no others, &c. Stat. 7 & 8 W. 3. c. 32.

The qualifications are 80 1. per Ann. freehold, Qualification for a grand juryman; and 10 1. per Ann. freehold of jurors. or copyhold, for a petty juryman; except it be in corporations, where a freeman worth 40%. in goods, may serve on the petty jury, by Stat. 23.

Hen. 8. c. 13.

But aliens, apothecaries, clergymen, infants, Persons expersons attainted of any crime, &c. may not serve empted from on juries.

Constables neglecting to return lists of names of Punishment persons fit to serve on juries, shall forfeit 5 1. And of constables. by the statute 3 & 4 Ann. c. 18. high constables are to issue their precepts to the petty constables, to

H 3

prepare

prepare such lists, by virtue of a warrant from justices in the fessions, under the penalty of 10 h.

A# 3 Geo. 2. fables.

Lists of jurors are qualified to be made from the Dray of con- rates of each parish, and yearly fixed on the doors of churches, &c. twenty days before the feaft of St. Michael, that publick notice may be given thereof; and returning officers, as constables, &c. wilfully omitting persons qualified, or inserting wrong persons, shall forfeit 20 s. by Stat. 3 G. 2. C. 25.

In making lifts of jurors, attefted on oath.

Constables must subscribe their lifts, and attest the truth of them on oath before one or more juftices of peace; and then deliver them to the high conftables of the hundred, who are to deliver them attested to the justices in sessions: And duplicates of the lifts when adjusted by the justices, are to be delivered by the clerks of the peace to the sheriffs of counties.

Names to be entered in breebolders. books, &cc.

Sheriffs are to enter the names of the persons in a book alphabetically, with their additions, and places of abode, &c. and returning any other persons to serve upon juries, shall be fined by the judges of affize not exceeding 10 /. nor under 40 s. The like penalty for taking money to excuse persons from serving: And jurors not appearing, unless reasonable cause of absence be proved, to be fined not above 5 1. or under 40 1. Stat. Ibid.

Further qualification.

By this act persons having estates held by lease for 500 years, or 99 years, or any other term determinable on lives, &c. of the yearly value of 20 1. are qualified to serve on juries: And none shall be returned as jurymen in London, but householders having lands or personal estate to the value of 100 /.

Jurors chofen

The juries for trial of causes are to be chosen by ballotting. by ballot, by drawing papers with the names of the jurors summoned, rolled up in a box, &c. And in trials on indictments, & c. and all actions,

the

the courts at Westminster may order a special jury, Special juby this new statute.

A constable may in hay or corn harvest time, Labours fet artificers, and ordinary tradefmen on work by ers. the day, (being required by persons who want la- Constables. bourers) and put those in the stocks for two days may fet laand a night, who refuse; and the constable neg-bourers and tradesmen at lecting his duty herein forfeits 40 s. Stat. 5. Eliz. work in time

From the middle of March to the middle of Horas of September, labourers are to work from five in the working by morning until feven o'clock at night, being al- labourers. lowed two hours for breakfast and dinner, &c. and half an hour for fleeping, the three hot months; and all the rest of the year from twilight to twilight, except an hour and an half for breakfast and dinner; on pain of forfeiting 1 d. an hour

Labourers taking work by the great, and leav- Leaving. ing it unfinished, unless for non-payment of wages, work unfi-&c. they shall suffer one month's imprisonment, nished. and forfeit & l. Stat. 5 Eliz. c. 4.

A convenient number of glass lamps shall be fet Lamps up in such places of London as the lord mayor and in London aldermen, &c. shall think fit; which are to be all theyear. kept lighted and burning, from fun fet to fun-rifing throughout the year.

Any person maliciously breaking down or ex- Penalties for tinguishing any lamp hung up to light the fireets, breaking, down, &cc. or damage the posts, irons, &c. shall forfeit for the first offence 40 s. for the second offence 50 s. and 3 l. for the third, but subject to mitigation, not under a moiety, on conviction before the lord mayor, or any two justices for the city of London.

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The forfeitures to be levied by constables, by Leviable by virtue of a warrant for that purpose on the goods the conflation, of the offenders, &c. for want of which, they shall be sent to the house of correction for any

time

time not exceeding three months. Stat. 17 Geo. z. c. 29.

Land. tar. Conftables to affift in levying the tax.

In collecting the land-tax, conftables are to be affilting; and where payment is refused they are to take a distress, &c. and in the day-time, with the collectors, conftables may justify breaking open houses to diffrain goods, by virtue of a warrant from the commissioners.

And if any person do not pay the affessment ten days after demand, and doth convey away his goods, &c. two commissioners may commit him to gaol, until payment be made. 2 Geo. 3. c. 3.

How the tax haid; relief on being ever-rated.

The farmers, or occupiers of the land, are to be charged to this tax, according to a pound rate, and deducted out of their rents to the landlord; and if they are over-rated, they shall be relieved on appeal to the commissioners, who may charge the same on others, as they see cause; and in case of a deficiency, shall make a reaffessment. Ibid.

In what cafes the parifb chargeable. Future diunoccupied.

Where lands or houses are unoccupied, and no distress can be found, whereby the parish, &c. is charged, the collectors, constables, or tithingmen fires on lands of the parish or place, may at any time after take a diffress upon the lands, or in the houses, to reimburse the parish: And if such distress be not redeemed within four days they may fell the fame and distribute the money amongst the parties who contributed to the tax proportionably, rendring the overplus to the owner.

Wood, tithes, fold,

Wood may be cut at feafonable times in the &c. cut and year; and tithes, tolls, or annual profits not distrainable, may be seized and sold for satisfaction of the tax; where affestments are made upon fuch wood lands, or tithes, &c.

Commiffien-

Commissioners are appointed for counties, &c. ers, eccivers, to levy this tax, who nominate affesfore, and they collectors,&c. return collectors in every parish; the collectors detaining the money, shall be imprisoned, and their estates fold; and receivers general, not returning

the

the same, are liable to 500 l. penalty. flat. 2. Geo.

3. c. 3.

The receiver general is allowed a fee of 2 d. in And their the pound, the collectors 3 d. per pound, and three fees. half pence to the commissioners clerks.

Leather. Vide Shoemakers.

Stealing any linen, &c. laid in any bleaching Linent, ground, &c. is felony, and the offender shall suffer &c. death; but the judge may order him to be transformed of grounds, ported for 14 years. flat. 18 Geo. 2. c. 27. &c. felony.

Persons furiously mad, may by warrant from Lunatwo justices be locked up, and if necessary, chain-tics. ed, &c. and their estate, if any, be charged for their maintenance; if no estate, to be provided for by the parish flat. 17 Geo. 2. c. 5.

And it has been held that a constable may im- See 11 G. 3. prison a mischievous madman. Owen 98. They c. 20. may surrender a lease in the Chancery or Exchequer, in order to renew the same. stat. 29 Geo. 2.

c. 31.

Madmen. See Lunatics.

Constables, &c. have power to inspect the ma- Malt. king of malt. They are to search for bad malt; To search for and if they find any deceitfully made, or mingled bad malt, &c. bad with good, they may, with the advice of a justice, cause the same to be fold at reasonable rates, discretionary in the justice. sat. 2 & 3 Edit.

6. c. 10.

Malt is adjudged ill made, when it is not in Malt when steeping, making and drying three weeks; if half ill made. a peck of dust is not skreened or fanned out of every quarter; or if it be made of mowburnt or

spired barley.

There is a forfeiture inflicted by the statute, of Forfeitures.

25. for every quarter of malt consisting of bad and good mingled together, and put to sale, to be divided between the king and prosecutor; and 20 d per

20 d. per quarter. where half a peck of dust is not taken by treading or rubbing, &c. Profecution to

be in a year.

Malt duty.

A daty of 6d. per bushel is granted on malt. All malt made must be entered with officers of excise once a month, on pain of 10 l. And malfters using private cisterns, &c. are to forseit 501. Gc. flat. 8 & 9 W. 3. c. 22, 13 & 14 W. 3.

Malsters concealing or conveying away malt Concealments of malt from from the fight of the gauger, shall forfeit 105. a gaugers, &c. bushel; but justices of peace have power to mitigate penalties, so as they be not reduced to less

than double duty. 12 Ann. ft. 1, c. 2.

And malfters permitting barley to be wetted Mixing and wetting corn. on the floor, or any where but in the ciftern entered, forfeit 2 s. 6 d. a bushel. flat. 6 G. 1. c. 20.

Unmalted corn mixed with malt, &c.

If any malster, &c. fraudulently mix unmalted corn with malt; or corn making into malt of one westing, with that of a former, &c. before put on the kiln for drying, he shall forfeit 51. pr bushel. fat. 2 Geo. 2. c. 1.

Malt made for exportation, is not liable to duty; Malt exported duty free. but must be entered and kept separate, under the

penalty of sol. Gc. 12 Geo. 1.

Allowance on exportation. Certificate and fecurity given, &c.

An allowance is to be made malsters for exporting malt, on producing certificates from officers with whom entered, and giving fecurity not to reland it; but if landed in any part of Great Britain, the same to be forfeited, and treble value, &c. by fat. 3 Geo. 2. c. 7.

The forfeitures above are leviable by confla-

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bles, &c.

Manu= fattures.

Persons employed in any woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair or filk manufactures, or to make any felt or hat, purloining, embezzling, fecreting, felling, pawning, exchanging, or otherwise unlawfully disposing of any of the materials, to be fent to the house of correction, and kept to hard labour for 14 days, and to be publickly whipped; for a fecond offence to be fent to the house of correction, and kept to hard labour for not more than three months, nor less than one month, and to be publickly whipped twice or oftener. Receivers to forfeit 201. and in default of payment, to be fent to the house of correction, and kept to hard labour for 14 days, and in default of payment within two days before the expiration of the 14 days, to be publickly whipped; for a second offence to forfeit 401. and in default of payment, to be fent to the house of correction for not more than three months, nor less than one month, and in default of payment within feven days before the expiration of the time, to be publickly whipped twice or oftener. flat. 22 Geo. 2. c. 27.

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Constables are to examine if persons use mea- Meafures not agreeable to the standard, by the statute sures. 22 Car. 2. c. 8.

And alehouse-keepers, &c. are to sell their ale examination. Ale measures by a sull ale quart or pint measure, according to marked, &c. the standard in the exchequer, and marked, or forseit a sum not exceeding 40s. nor under 10s. leviable by constables, &c. stat. 11 & 12 W. 3.

See more, title Weights and Measures.

By 2 Geo. 3. c. 20. Constables, & c. neglecting Militia. or refusing to provide such carriage and man for 2 Geo. 3. c. the use of the militia, (as in the act mentioned) 20. s. 123. shall forfeit 40s. or not less than 20s. to the use of the poor. sect. 123.

Constables are authorized by the common law Pight=
to take up nightwalkers of ill fame, and carry maikers.
To be takenup
by constables.

But though constables may arrest nightwalkers, But not on a bare suspicion by the statute of 5 Ed. 3. c. 14. yet it hath been only. held, that it is not lawful for a constable to take up any woman upon bare suspicion only, of being of ill fame; unless the be guilty of a breach of the peace, or fome unlawful act, and be found by him

misdoing 2 Hale's Hift. P. C. 89.

Bound to our, &c.

Common nightwalkers may be bound to the good behavi- good behaviour; or be indicted before juffices of peace, &c. So may haunters of bawdy-houses. Hawk. P. C. 132.

Norwich Auffs. Vide Cloth and Clothiers.

D1= chards. Robbers of vrcbards, bow punished, and penalties.

Robbers of orchards, destroyers of underwood, &c. shall be whipped by constables, being ordered by a justice of peace's warrant, for default in making fatisfaction to the party injured: The fatiffaction is at the discretion of the justice, and the offender to pay the fum not exceeding 10s. for the poor. flat. 15 Car. 2. c. 2.

See title Hedge breakers.

Papists. See Popish Recusants.

39hylici= ans. Constables to affift che college of physicians.

Constables in the city of London, and within feven miles thereof, are to affift the prefident of the college of physicians, and such who shall have authority from him, &c. to put the laws in execution concerning the faid college. The neglect is a contempt to the king. flat. 14 & 15 H. 8. cap. 5.

Persons licen-Sed to practife phyfick in London.

And in London, &c. none shall practise physick without license of the college, on pain of forfeiting 5 /. a month, unless it be persons having knowledge in herbs, &c. who may minister to outward fores, and use drinks for the stone, stranguary, or agues 14 & 15 H. 8.

Four physicians called censors are to be yearly Medicines to chosen by the college; who shall fearch apothecabe fearched, &c.

ries wares, and examine medicines, and burn or destroy those that are defective, &c. flat. 32. H. 8. c. 10.

Conflables may command and oblige persons in- Dlaque. fected with the plague to keep within their houses; Persons inand if after such command they wilfully go abroad feeted to keep having any infectious fores upon them, it is felo-wiebin doors. ny; and if they have no fores, they may be bound to the good behaviour, and punished as vagabonds, by whipping, &c. flat. 1 fac. c. 31.

Constables neglecting to levy the money affested Monies for by justices for relief of poor persons infected with relief of poor the plague, forfeit 10s, for every offence. Ibid. perfons.

flat.

Justices of peace, mayors, &c. are to appoint Searchers. searchers, watchmen, and buriers of persons in-buriers, &c.

fected, &c.

When the plague is in any country abroad, ships Quarantine to are to perform quarantine; and perfons acquitting be performed them before performed, shall forfeit 200 1. Goods when plage after quarantine to be aired, and if infected burnt, abroad. Gc. flat. 9 Ann. c. 2. 26 Geo. 2. c. 6.

And the king by proclamation, may prohibit The king's trade with places infected; landing goods brought proclamation.

from thence is felony. flat. 26 Geo. 2. c. 6.

Common players of interludes, and jugglers, &c. Players. wandering, may be taken up by constables as va- May be taken up.

grants. fat. 17 Geo. 2. c. 5.

Persons acting any plays, without licence from Asting withthe lord chamberlain, &c. to be deemed vaga. out licence, bonds, and treated accordingly, or forfeit 501. bow puand two justices of peace may inquire into it, and mished. order the forfeiture to be levied by distress and sale, by constables; or for want thereof, send the offenders to the house of correction for fix months. flat. 10 Geo. 2. c. 28.

1Dopish Becu=

In putting the laws in execution against popis recusants, constables, &c. are concerned.

fants. justices of persons sus-

They are to complain to a justice of persons Complaint to suspected of recusancy; and such justice on their refusal of taking the oaths, may commit them till

the next affizes or fessions, 7 Fac. c. 6.

Present those rubo absent

They are to present once a year, to the quarter fessions, those who absent themselves from from church, church for the space of a month; and the names of their children above nine years of age living with them, and such servants as they retain. flat. 3 7ac. c. 4.

> Neglecting, forfeit 20 s. for every default; And popish recusants forfeit 201, a month for ab-

fenting fr m church.

To certify names of recusants, &c.

Constables are likewise to certify to the quarter fessions, the names of popish recusants convict, who within twenty days after their arrival at the place of their birth (having no certain settlement elsewhere) give in their names; and the parson of the parish is to enter them in a book for that purpole flat 35 Eliz. c. 2.

Recufants not to travel above five miles.

Popish recusants above the age of fixteen, are within forty days after their conviction, to repair to their usual dwellings, and not remove above five miles from thence, on pain of forfeiring all their goods, &c. and if they have no certain place of residence, then they are to go to the place of their nativity, or where their parents dwell, and within twenty days to give their names in writing, to the minister, constables, &c, ut Supra. Stat. ibid.

Register of eflates.

Papilts and popilh recufants are to register their estates, on pain of forfeiture, &c. They are incapable to purchase lands: And no lands shall pass from papifts by deed or will, without inrolment. 1 Geo. A. 2. c. 55. 3 Geo. c. 18.

- Sums under 5%. due for postage of letters, are to be recovered in the same manner as small tithes: ters.

by complaint in writing before two justices, &c. Postage of and if the party refuse to pay the money awarded, letters reco-in ten days after notice, a constable, &c. by warrant from the justices, is to distrain his goods, and Distress by the diffress may be fold in three days. stat. 9 Ann. constables.

The price of postage is 3 d. for a single letter Price of from any place not distant above eighty miles; for postage afa double letter 6d and so proportionably for pac- certained. kets. Packets of writs, deed, &c. 12d. per ounce : fingle letters above eighty miles distant 4 d. double letters 8 d. fingle letters to and from Edinburgh 6d &c.

No person but the post-master shall receive, Carriers, &c. take or carry letters, &c. under the penalty of not to carry 51. And carriers, flage-coachmen, &c. are not letters. to carry any letters except fuch as concern goods fent by them. flat, ibid.

Constables are to make presentments on oath at Brefentthe quarter fessions, and the assizes, of all things ment. within their knowledge against the peace, and re- Particulars lating to their offices; as affrays, bloodsheds, presentable. bridges out of repair, cottages erected contrary to law, drunkenness, gaming houses, felonies, forestallers, &c. nusances, disturbers of the peace, p pilh reculants, rescues, false weights and meafures, &c. and generally all other things mentioned in the particular oath of constables.

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High constables, by virtue of a warrant from Manner of justices of peace, issue their precepts to petty con- making prestables, to make inquiry and presentment, &c. sentment. and they usually make their returns and bring them to a justice to fign, and then carry them to the high constable, who gives oath that he had them from the petty constable. Dalt, c. 28.

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The prefentment of A. B. constable of, &c. in the county of, &c. made at the general quarter sessions of the peace, held for the said county, the day, &c.

Form of a conflatile's presentment.

THE said A. B. says and presents upon his oath, That C. D. of the parish of, &c. in the county aforesaid, does at this time keep, and has for the space of one mouth past kept an unlawful gaming-house in the parish of, &c. viz. he has permitted servants, apprentices, &c. to play at cards, dice, and other games prohibited by law, to the great encouragement of vice, and disturbance of the neighbourhood there.

The faid A. B. likewise presents upon his oath, that E. F. of the said parish of, &c. has lately carried out stinking careasses, and other filth into the highways, which is a common nusance to the

parish, and an annoyance to travellers.

The faid A. B. also presents G. H. to be a com-

Prifons.

The house of correction, and the compters of the sheriffs of London, are the common prisons for offenders for the breach of the peace, &c.

Precaution of constables.

To the last, constables may convey persons taken up by the watch late at night, and who are unruly or suspicious: but they ought to be careful who they send thither, for fear of actions for false imprisonment.

Justices
power to
conmit to
prison.

Justices of peace have power to commit criminals charged with small offences, either to the common gaol, or house of correction. flat. 6 Geo. c. 19.

See titles Watch and Gaol.

Prilo=

Prisoners are to be relieved in prison by our laws and statutes.

Relieved. Justices of peace in the fessions, may tax every Tax for poor parish in the county, not exceeding a certain sum prisoners.

yearly, for the relief of poor prisoners, leviable by constables, etc. stat. 43 Eliz. c. 2.

There have been also divers statutes made for Acts for disdischarging poor debtors out of prison, who had charging poor nothing wherewith to pay and satisfy their debts. debtors.

Persons charged in execution for any debt, not Debtors in exceeding 100 l. on petition to the court whence execution disthe process issued, with an account of all their e-charged by states and effects upon oath, may be discharged c. 28. out of prison, on affigning their effects to the creditors, unless they insist upon their being detained, and agree to pay them 2 s. 4 d. a week whilst in prison. Stat. 32 Geo. 2. c. 28.

See title Efeapes.

Sheriffs, constables, &c. ex officio, are to sup-Biots. press all riots, and to commit offenders, and all To be sup-such who break the peace. stat. 15 R. 2. c. 2. pressed.

And it is necessary to be observed, that when What is a three or more persons assemble together with an riot, rout, intention of doing any unlawful act, with force and unlawand violence, as to beat or wound a man, pull ful affembly. down a house, wall or hedge, or destroy any park, warren, &c. And if they only meet for fuch a purpose, without putting their design in practice; this is an unlawful affembly: and if after such affembling they move forwards to put their projects in execution, though they do not execute them. this is a rout, and if they do perpetrate and execute what they intended, then it is adjudged as riot: and going in armour, or shewing any intention of violence, to the terror of the king's subjects, shall be deemed a riot. Pulton, 24, & c.

An Assembly of three or more who design no Assemblies violent act against the peace, is not unlawful; and for sports, assemblies on Midsummer and May days, bull-bat- &c. lawful; ing, bear-baiting, soot ball, and such sports, cud-gel-playing, &c. women meeting in numbers, stage-players,

players, etc. are not forbidden by the flatutes. but caufing a great number of stage-players to afsemble, is adjudged a riot, Rol. Ab. Q.

Riots in for-

If three, four or more persons, enter into lands cible entries, with force, upon the possession of another, though the entry be lawful, yet it is a riot; because forcible entries are prohibited by the statute 1; Ric. 2. c. 2. Dalt. 297, etc.

Riot att 3 Geo.

By the flatute 1 Geo. c. 5. if twelve or more unlawfully and riotously assemble, a justice of peace, theriff, mayor, or other head officer of any town corporate, on notice of fuch affembly, shall come as near them as he can with safety, and make the following proclamation.

UR fovereign lord the king charges and commands all persons assembled immediately to disperse themselves, and peaceably depart to their babitations, or lawful bufiness, on pain of imprisonment, or the penalties inflicted by the act made in the first year of the reign of king George I. for preventing tumults and riatous affemblies,

God fave the king.

Felony,

If the rioters do not disperse within an hour after this proclamation made; or if they obstruct or hinder the proclamation, or hurt him who makes it, it is felony without benefit of clergy, and high constables, petty constables, and persons affifting may feize them, and carry them before a fuffice; and if any of the rioters are killed, he who killed them is indemnified.

Pullingdown boufes:

Demolishing a meeting house, dwelling house, barn, stable, etc. is made felony, and the town or hundred shall yield damages to repair them.

Perfons going abroad armed in disguises, rob-Att 9 Geo. 6. 22 to pu- bing forests, parks, fish ponds, or fetting fire to A b incendic. any house, shooting at persons, sending threatries, &cc. ning letters demanding money, killing or maining cattle, cutting down trees in any avenue, gar-

den,

den, etc. are guilty of felony, by the statute of Geo. c. 22. made perpetual by 31 Geo. 2. 6. 42. See 27 Geo. 2. c. 15.

Robbery is a felonious taking away of money or Bobbery. goods from the perfon of another, in a violent By common manner on the highway; and though the taking law, and by be but one penny, 'tis felony of death by the com- 7G, 2, c,21. mon law: And by a late act, persons affaulting others forcibly, with intent to rob them, shall be transported.

Where damages are recovered against a hun- Tox where a dred for a robbery committed on the highway, robbery comand two justices have fet a tax upon the feveral parishes in the hundred; the constables in every parish are to tax particularly every inhabitant of those parishes, and levy the same by distress, &c. Stat. 27 Eliz, cap. 13.

The hundred is chargeable where a robbery is Hundred committed in the day time, of any day, except chargeable. Sunday: But no hundred shall be chargeable if any one of the malefactors is apprehended in forty Inwhat cases days; or when the action is not commenced within a year. Ibid. flat.

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A reward of 40 1. is ordered by flatute for ap-Robbers apprehending a robber on the highway; and the ap-prehended. prehenders to have likewife the horfes, arms, &c. of robbers. 4 & 5 W. & M. c. 8.

In an action against the hundred, on a robbery Actions acommitted, process must be served on the high against the contrable, who shall appear and defend the action, 8 G. 2. for which he is to be allowed his expences, &c. and public notice of the robbery must be given Notice in in the Gazette; and the hundred shall not be Gazette. charged, if any of the robbers are taken in forty days after fuch notice. Stat. 8 Geo. 2. сар. 16.

And 10 h. reward shall be paid by the hundred, Afarther rea for ward given, for apprehending and taking any robber, within the time limited. Stat. Ibid. See Hue and cry.

Roques. Wandering rogues to b. whipped.

Constables are to whip wandering rogues, vagabonds, &c. by stripping them naked from the middle upwards, and caufing them to be lashed until their bodies be bloody, in the presence of the minister of the parish, or some other inhabitants; and then to fend them away to the place of their birth, &c. Not endeavouring to feize rogues or punish them, forfeit 10 s.

Persons running away, and leaving a charge to the parish, are to be punished as incorrigible roques; and if any threaten so to do, without giving security to the parish, he may be committed to the

house of correction. Dalt. 211.

Who are Juch, and sheir punishment.

Incorrigible

rogues.

And those rogues are looked upon as incorrigible, who appear dangerous to the inferior fort of people; threatning or offering any violence to them, or that will not reform after being once whipped, &c. And by the statute I fac. c. 7. they were to be punished by whipping, and burning on the left shoulder the first time; and offending again, it was declared felony. But this statute is repealed; and by the flat. 12 Ann. an incorrigible rogue is to be whipped three market-days in fome market town, and kept at hard labour folong as the justices shall think fit: Though if he makes his escape, it is felony by this act.

Descriptionof incorrigible rogues, and

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Persons apprehended as vagabonds, and escaping, or refusing to go before a justice, or how punished giving a false account of themselves, and all such persons breaking prisons, before the expiration of 17 G. 2. c. the term, or who having been punished and discharged, commit a second offence, shall be adjudged incorrigible rogues; and the justices of peace in their fessions may order them to be sent to, or detained in the house of correction for fix months, and there kept to hard labour and whipped,

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whipped, in manner and as often as they think fit, &c. flat. 17 Geo. 2. cap. 5. Vide more, title Vagrants.

Sabbath. See Sunday.

Any person working into fails or tarpawlins foreign fail cloth not stamped, as by the act is direct- Sailed, forfeits 50 %, for every fail or tarpawlin, to be cloth. levied by warrant of diffress, and for the use of the informer; and for default of distress to be imprisoned for fix months, or until he pays the penaky. Rat. 19 Geo. 2. c. 27. 5 7.

See 32 Geo. 2. c. 36. for continuing certain laws therein mentioned relating to British fail- British Sail. cloth, and to the duties payable on foreign fail- cloth, 32 cloth. fell. 1.

Geo. 2. 60 30,

Salt shall be fold by weight, after the rate of 56 pounds to the bushel, under the penalty of 5 1. Smalt. leviable by confiables, on a judice of peace's war- Sold by rant. flat. 9 & 10 W. 3. c. 44.

weight, un-A duty is also granted on falt, and pits to be der a penalty, entered, &c. And forfeitures for not entering Duty and them, shall be levied by the constables, &c. forfeitures Loviable by Geo. 2. c. 6.

The acts for the falt duties, are flat. 7 Geo. 2. conflables. cap. 6. & G. 2. c. 12. 14 G. 2. c. 22. 26 G. 2. 1. 3. 32. 2 G. 3. c. 24.

The flatute 5 Eliz. c. 4. directs testimonials to be given by mayors of towns, constables, and two serhousholders to fervants quitting their fervices. A bants. servant not producing a testimonial to the chief Testimonials other in a corporation, or to the constable, mi- by constables, nister, or churchwardens where he designs to dwell, &c. may be imprisoned till he can get one; and if he do not procure one in one and twenty days, he is to be whipped and punished as a vagabond; and mafters

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masters retaining a servant without such testimonial, torfeit 5 %.

A testimonial for a fervant.

A. B. of, &c. in the county of &c. do hereby license my servant C. D. to depart from my fervice, be baving served me faithfully; and I do destare the faid C. D. is at full liberty to ferve any other master elsewhere, according to the statute in that case made and provided. Witness my hand, &c. this day, &c.

A. B.

We do hereby allow of the above license and te-Rimonial.

E. F. conflables of, &c. oforefaid.

G. H. bousbolders there.

This good flature is of late very little regarded.

See more, title Servants under the head Churchwardens, and Overfeers of the poor.

Shoe = makers. fealers of leather.

Bad leather used by shoemakers.

The master and wardens of the shoemakers company in London, and mayors, &c. shall ap-Searchers and point fearchers and fealers of leather; leather not fufficiently tanned, to be forfeited; and being fold before fearched and fealed, incurs the penalty of 6s, 8d. Also shoemakers are to make their shoes of sufficient stuff, on pain of 3 s. 4 d. to be levied by constables, by warrant from justices, &c. flat, 1 fac. cap. 22. 13 & 14 Car. 2.

Yourneymen (boemakers embezzling, &c.

If any journeyman shoemaker, within London or the bills of mortality, purloin, embezzle, fell or pawn any materials for making of shoes, &c he shall be ordered by a justice to make satisfaction, or to be whipt.

Justices of the peace may grant warrants to constables to search after such goods, in the houses

of

of parfons sulprelled to move maeriame. q Geo AH 9 G.

6. 27 Sent Politica Past all journeymen employed in making thoes, o, negletting boots, gloves, breeches, & c. neglecting it, by goork underworking for any other mafter, before they have taken. compleated the work fift u dertaken, shall be fent by a julice to the house of correction for a

And embezzling or illegally disposing of such Forfeiture wares, or any woollen, linen, or iron manu-for embezzfactures, &c shall forfeit double value; also ling, and pebuyers and receivers are subject to the same pe ceivers, by nalty, or may be committed, &c. Stat 13 G. 2. new aft. cap. 8. See flat. 22. 22 (1. 2. c. 27. 13 Geo. 2. Smuggler: See Customs.

A foldier inlifted, is in four days to be carried Soldiers before the next justice, and declare his assent that Soldiers bow it was voluntarily; but if he diffents thereto, on inlifted, and returning the money received, and 20s. for when may be charges, he shall be discharged; inlitting soldiers, to serve any foreign prince, without leave, is felony. flat. 9 Geo. 2. cap. 30. 29 G 2. c 17. f. 4.

Constables and churchwardens, are to levy by To levy modiffress, money rated on persons for relief of poor ney for mainmaimed foldiers and mariners, and pay it to the ed foldiers,

high constable. fat 43 Eliz. c. 35

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By 4 Geo. 3. c. 3. Constable, &c. to quarter 4 G. 3. c. 3. officers and men in inns, alehouses, &c. but in no f 22. diffillers houses or shopkeepers, or in any private houses; penalty on constables, &c. quartering soldiers in private houses, &c. Penalty on officers quartering foldiers contrary to this act, &c. Perfons aggrieved by being quartered, may complain to any justices and be relieved. fett. 22. 4. Gec. 3. c. 8. /ett. 16.

Constables, &c. may billet foldiers in Weftminster, &c. Petty constables, &c. to quarter soldiers in their respective divisions, sea. 35.

This

This act to extend to Ferfey, &c. set. 37.

If any constable, &c. shall neglect or refuse to execure any justice's warrant for providing carriages for foldiers in their marches, shall forfeit any fum not exceeding 40 s. nor less than 20 s. feet. 40. 4 Geo. 3. c. 8. fett. 25.

Justices may order constables to give an account of the number of foldiers quartered, &c. Jea. 67.

4 Geo. 3. c. 8 feet. 42.

Spirituous liquors. See Aleboufes, Diftillers.

Sunday. Searches made.

Search is usually made on a funday, by conftables and other parish officers, after such as profane the fabbath, &c.

Forfeitures for playing, &cc. on a Sunday.

Persons who resort to wrestling, bowling, dancing, or any sport on a funday, forfeit 5 s. if above fourteen years of age, and 1 s. if under, levied by constables by warrant of one justice; and constables, churchwardens, &c. are to levy Ufing games. the penalty of 3 s. 4 d. of fuch as use bull baiting, games or plays, on a funday, for the use of the poor, by diffress, for want whereof the offenders shall be fet in the stocks three hours. Stat. 1 Car. c. 1.

Working on

If any person doth any worldly labour on a fundays, &c. funday, (except works of necessity) he forfeits ç s. And crying or exposing to fale any ware, unless it be milk or mackerel, incurs a forfeiture of the wares to the poor. Butchers killing or felling victuals, are liable to a penalty of 6 s. 8 d. Carriers or drovers, &c. travelling, shall forfeit 20 1. and persons using boats, &c. on a funday (not allowed by a justice of peace) forfeit ; s. Stat. 20 Car. 2 c. 7.

If any persons shall serve any warrant, process, &c. on fundays (except in cases of treason, felony, or breach of the peace) they shall answer damages as if done without warrant, for false im-

prisonment

Officers ferving warrants.

prisonment, and the service be void. 29 Car. 2. initiated and the paying the

cap. 7.

If any one diffurb a minister in preaching, pray- Diffurbing ing, or administring the facraments, constables ministers. may apprehend him and carry him before a ju-Hice, &c. 1 Mar. Seff. 2. c. 3.

And this flatute though made in queen Mary's reign, extendeth to the divine fervice now effa-

bliffed. T. Jones 155.

See the general head Churchwardens.

A Supersedeas is as good cause to discharge a Superperson, as the first warrant or process is to arrest seneas. him. Cro. Jac. 379. 3 Bulftr. 96. Rol. Rep. 240. Good to difcharge a pl. 10. Line actionapper to recent I

The penalty for profane curling or fwearing smears is for every labourer, common foldier, common inc. failor and common feaman is. every other perfon under the degree of a gentleman 2 s. every person of or above the degree of a gentleman 5 s. A second offence after conviction of a first offence, to pay double. A third offence after a fecond conviction, to forfeit treble those respective fums.

Profane curfing and swearing in the hearing of a magistrate, he may proceed to convict, without

further proof.

Profane curfing and swearing in the hearing of a constable, &c. lif the offender be unknown to him) he is to feize the offender and carry him before a magistrate, who, on the oath of the constable, &c. is to convict the offender. If the offender be known to the constable. &c. he is to give information of the offence to a magistrate that the offender may be convicted.

Offender, on conviction, not immediately paying the penalty, or giving fecurity, to be tent to

the house of correction for ten days.

Common

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Common foldier or failor belonging to any thip, not immediately paying the penalty, or giving fecurity, and also costs of the information, summons and conviction, to be fet in the stocks for one hour for a fingle offence, and for any number of offences, whereof he shall be convicted at one time, two hours.

A magistrate omitting to perform his duty, for-

feits 5 1.

A constable omitting to perform his duty for-

feits 40 s.

Conviction final, not liable to be removed by certiorari, and to be filed with the clerk of the Co. Vir. sto. & Bullet of Ask.

Penalties to go to the poor.

Charges of information and conviction to be paid by the offender, if able, and afcertained by the magistrate. If the party be not able, or shall not pay the charge or give fecurity, he is to be committed to the house of correction for fix days over and above the time he may be committed for not paying the penalty.

All offences against this act to be presented in

eight days. Many market of continues accord a This act to be read four times a year in all parish churches, and publick chapels, by the parson, vicar or curate, viz. the respective sundays on which divine service shall be performed after 25 March, 24 June, 29 September, and 25 December, on penalty of 5 % for each neglect, to be levied by warrant of diffress.

The justice's clerk to take for the information, warrant and conviction, 1 s. and no more. Stat.

19 Geo. 2. c. 21.

Taplors. Wages of journeymen Settled.

to no transplantary Taylors giving greater wages than the statute allows, shall forfeit 5 1. And their journeymen accepting thereof, or refufing to work for wages allowed, shall be fent to the house of correction for two months.

And

And master not paying lawful wages, it shall To be paid be levied by diffres, &c. by constables, by vir. by masters. tue of a justice of peace's warrant. Star. 7 Geo. A. 2. c. 13. d avet go night a ed at

See Buttons.

In London the fums of money, ordered in lieu Tittes. of tithes, are to be paid quarterly to the par- In London fons, &c. and upon refusal, the lord mayor refused paymay grant warrants for the collector, with the ment, affiftance of a constable, to levy it by distress and fale of his goods. Stat. 22 & 23 Car. 2.

Constables and headboroughs, by virtue of a To levy mewarrant from two justices, are to levy money ad nies adjudged for refusing the payment of small tithes, judged. by distress, and sale in three days, &c. And two By two justices of peace have power to summon the party, justices. hear the complaint by witnesses on oath, and give judgment by making an allowance for the tithes, deliging. and ordering cofts not exceeding 10 s, Stat. 7 & 8 W. 3. c. 6. made perpetual by 3 Ann. c. 18, Strai 2 Barnard. K. B. 144.

The tithes are to be under 40 s. per Ann. And Small tithes, tithes due from quakers, under rol are thus recoverable. But this remedy is extended to the re. Due from covery of any tithes, or church rates due from quakers.

quakers, by 1 Geo. A. c. 6.

By 31 Geo. 2. c. 12. Madder to pay 55. per

And not to be removed till tithes be paid. Sea. 2. 1 mai tonnam e soifici 1203

Act not to extend to lands discharged of tithes, &c. Sea. 3. salgeres algement games to the

And to be in force 14 years. feel. 4.

By 31 Geo. 2 c. 35. Persons convicted of stealing or deftroying madder-roots, are for the first offence to make fatisfaction for the damage, and pay to the overfeers of the poor of the parish a fine not exceeding to s, or be committed to the house

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of correction for one month, and on conviction of a like offence the fecond time, are to be committed for three months. feet. 5.

Profecution to be within 30 days after the of-

fence. feat. 6.

Tobacco. To be de firoyed under certain penalvies. Constables, &c. upon information of tobacco fet, sown or planted in any ground (except physick gardens;) are to destroy the same within sourteen days after receiving a warrant from two justices of the peace to that purpose, on pain of forseiting 5 s. for every red unconsumed. stat. 22 & 23 Car. 2 c. 26.

Refisting officers.

Persons resisting the officers shall forfeit 5.1 to be levied by distress and sale, or be committed for three months; and persons resusing to assist the constable forseit 5.2. or to be committed for a week.

Search made b, constables. Penalty of planting.

Consables, upon warrant, are to make a fearch, and present offences of planting tobacco, &c. at the next quarter sessions: And those that plant it, are liable to the penalty of 10% for every rod of ground so planted in England, stat. 17 Car. 2.

Leaves

Cutting walnut tree leaves, and other leaves, or colouring them to refemble tobacco; or felling them mixed with tobacco, incurs a forfeiture of a per pound. I Geo. ft. 200.46.

pines.
To execute warrants.
And levy penalties.
8 Geo. 2.

Constables are to execute the warrants of commissions for turnpikes, &c. under the penalty of

And shall by justice's warrant levy the forseitures of persons assaulting or threatning collectors, or passing through turnpike gates, without paying the toll appointed by statute 8 Geo. 2.2.20.

See Surveyors of highways.

Ma= grants. Vagrant in By our law, a vagrant is one that wanders about, and has no certain dwelling; and whoever is able

to labour, but will not, and thus wanders abroad, general, who having nothing to subsist upon, is a vagrant is such.

rogue. The let the kent day of the court in

A statute particularly describes vagrants, Stat. 17 G. and other idle disorderly persons : All parent ga- 2 c. 5. therers, or gatherers of alms, under false pre-particularly tences of loss by fire, collectors for prisons, fen described by cers, and bearwards, players of interludes, & c. this act. not being authorized by law, all minstrels, juglers, gypfies, pretenders to phfiognomy, or palmestry, fortune tellers, persons that play at unlawful games, or who run away from their wives and families, whereby they become chargeable to the parish; also all petty chapmen, or ped- Further delars without licence, or wanderers lodging in Scription of barns or out houses, or pretending to be soldiers, vagrants. mariners, or feafaring men, or that pretend to go to work in harvest not having certificates, and all wandering beggars shall be deemed rogues and vagabonds: And persons threatning to leave their wives and children to the parish; or returning to any parish from whence legally removed, without a certificate from the place to which they belong; persons living idly, and refusing to work for common wages; or begging from door to Perfons berdoor, or who place themselves in streets to beg ging from alms in the parish where they dwell, are adjudged door to door, idle and disorderly, persons; and any justice of idle and difthe peace may commit them to the house of cor fons, rection for a month; also any person may apprehend and take before a justice, people going from door to door, or placing themselves in the freets, &c. to beg; and if they resit, they shall be punished as vagabonds, and ç s. is to be paid by the overfeer of the poor for every offender fo apprehended.

Persons apprehending any vagabond as above Reward for described, and causing him to be conveyed to apprehending . fome jullice, he may make an order for the con- them what flable, &c. to pay 10 s. to the person that ap- and bord

prehended Paid.

prehended the offender, which is to be repaid by the high conflable, who shall be allowed the same in his account by the treasurer of the county, &c. And if any petty contable refuse to pay the tos. the justice by warrant may levy 203. by diffress of his goods, to answer the same to the party, and for trouble, loss of time and charges. bear wares, players of

Manner of passing vagabonds from one boule of

When vagabonds are apprehended, and taken before a fuffice, they may be committed till the next quarter-fessions, or for any less time ; and be correction to examined and fent away by pass to their places another, &c. of legal fettlement or birth, &c. The conflable or other officer having such pass, and a certificate how they are to be conveyed, with what recompence he is to have, &c. shall convey the persons therein named, according to the directions of the pass, the nearest way to the place where they are ordered to be fent, if it be in the fame county, or next adjoining, and there deliver them to the overfeer of the poor, &c. but if the place is in fome diffart county. &c. the conftable shall deliver them to the master of the next house of correction, together with the pass and certificate, taking his receipt for the fame; and fo they are to be conveyed from the house of correction in one county to the house of correction in another, till they come to some house of correction in the county, &c. wherein the place is, to which they are ordered, there to be kept to hard labour, not exceeding a month, and then delivered to the officer of fuch place to be provided for; who shall employ them in some workhouse, &c. till they betake the mielves to some employment.

till come to the county and place ordered.

Rates ap. pointed by juffices.

And the justices of peace at their general quarter fessions, are to direct what rates per mile or otherwife, shall be paid for passing vagrants; and make orders for the more regular acting therein,

The

The treasurer of the county, &c. Stall pay Charge in out of the publick money in his hands, to the paffing vamafter of the house of correction within the faid by treasurers county, all his expences in paffing vagabonds; of counties, he bringing the certificate, with a receipt from the mafter of the house of correction, or churchwarden or overfeer to whom fuch perfons are delivered, and giving his own receipt for the fame.

Constables. &c. that counterfeit any certifi- Counterfeitcate, or receipt, or if they alter the same, shall ingcertificater forfeit 50 /. and if they do not convey the per- not conveying fons to the place where they ought to be con- persons, &c. veyed; or shall refuse to receive any person sent the penalty. to them, or to give a receipt, they are liable to 20 1. penalty, to be levied by diffress and sale of goods, by warrant of the juffices at the quarterfeffions.

And if any constable or other officer, or ma- Constables, or fter of any house of correction, refuses to appre- other officers hend or pass vagabonds, or be otherwise remis in 'emissintheir his duty; or if any person hinder the execution dutysof this act, or refeue any person apprehended,. & c. they shall forfeit not exceeding 5 1, nor less than to s. to the use of the poor, Teviable by juflices warrant by diffres, &c. or for want thereof shall be committed to the house of correction for two months. 1 10 4011841214X

In case any master of a ship bring into this Vagrante kingdom from Ireland, or the Plantations, va- Ireland or grants of persons like to live by begging, they plantations, are to be apprehended by constables, &c. and to be re conre-conveyed, at so much a head; as justices in veyed. fessions shall appoint; and the masters of ships im. Penalty on porting such vagrants, or refusing to transport masters of them, on a justice's order, forfeit 5 1. to be levied fips. by diffrefs.

If any persons shall permit vagabonds to lodge Persons not in their houses, barns, &c. and do not apprehend to permit was and carry them before a justice, or give notice to lodge in some constable, &c. on conviction before two or barns, &c.

more justices, they are to forfeit not above 40 s. or under 10 s. And if any charge be brought on any place, by means of fuch offence, it shall be levied by diffress of their goods, &c. and for want of diffress, the offenders may be fent to the house of correction, not exceeding three months.

Wandering lunaticks treated as vagrants, &c.

And the statute ordains that lunaticks wandering, shall be apprehended and passed to their place of fettlement, &c. but the expence is to be defraved out of their estates by order of justices, if they have any; and if they have none, the charges may be raifed by fuch ways as money for the poor. Stat. 17 Geo. 2. c. 5.

Other acts repealed.

CONTRACTOR was later plant N. B. All other acts relating to vagrants and

vagabonds, are repealed by this act.

The treasurer of the county is to pay the constable the expence of passing rogues, vagabonds, &c. 26 Geo. 2. c. 34.

A pass of a vagrant to his place of birth.

No beat of

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portion and a serverely, or the continuine remits in HEREAS J. B. being about the age of, &c. was apprehended in the parish of, &c. aforesaid, there wandering and begging, and committing other acts of vagrancy, and brought before me J. S. Esq; one of his majefty's justices of the peace, for the county aforefaid; and upon examination of the faid J. B. and of, &c. taken upon oath it doth appear that the faid J. B. was born at, &c. in the county of, &c. and that the faid 7. B. hath not obtained any legal settlement elsewhere : These are therefore to command and require you to convey the faid J. B. the next direct way to the parish of, &c. and there deliver him to the constable, Er that being the first town or parish in the next county or precinct, through which he ought to pass to the laid parish of, Gr. (or the next house of correction in the faid county, &c. and there deliver him to the master thereof), to be thence conveyed on according to the direction of the late act of parliament, to the faid parish of, Se. in the county of the aforefaid. And I do hereby allow the space of three days for his pasfing to the faid parish of, &c. Given, &c. See the Statute 17 Geo. 2.

A. B. constable of &c. in the county of, A receipt Gr. do hereby acknowledge that I have from the next received this day, &c. of and from C. D con- confable, on stable of, &c. in the county of, &c. E. F. and vagrant. G. H. vagrants, by the faid C. D. brought hither in their way to, Ge. by virtue of a pale granted by, Gr. Witness my band, &c.

Constable of towns are to cause night watches attatch. to be fet from fun-fet to fun-rifing, with four men When to be or more, (in a city fix men at every gate) who fet. must be able persons, inhabitants of the place. and watch by turns. far. Wincheffer, 13 Ed. 1. Tina Existent ville roll (Snaft B. 2 cap. 4. 15 1100

Persons refusing to serve on the watch, on com- Refusing to plaint to a justice of peace, he may compel them, forve on the or bind them to the good behaviour; and fome watch. authors are of opinion, that the constable has power to let the party in the stocks for contempt: 3326 353 but this feems rather to be when a watchman-ap-, 115 131 pointed is not orderly in the doing of his dury. Cro. Eliz. 204. See 3 Burn 450.

These watchmen are to apprehend night-wal. Watchmen to kers, vagabonds, persons going armed, &c. and apprebend they may arrest strangers in the night and examine night walkthem till the morning; and whether they be horsemen or footmen, or drivers of cattle, carriages, or that shall carry burdens, the watch may stay them till the morning, unless they can render a good account of themselves, their company and carriage, &c. Dalt. 240. Confeables shall be Convey them. aiding and affifting to the watch; and the watch- to the counter. men are to obey their orders in conveying offen-

Arrests by the ders to the counter, &c. If any will not obey quatch. the arrest, the watch may make hue and cry upon

them; and for fuch arreft of a ftranger, (especially one suspected) none is liable to punishment.

Conflables parifies of Westminster C. 22.

For regulating the watch in large parishes of duty in large Westminster; the constables are twice or oftener in every night to go their rounds, and fee that the by 10 Geo, 2, watch do their duty, and use endeavours to prevent fires, murders, robberies, &e. and apprehend

malefactors and persons suspected.

Watch and avard to be kept, and bended.

And the watchmen shall keep watch and ward from nine o'clock at night till feven the next mornrogues appre- ing, from the 29th of September to the .30th of March, and the rest of the year from ten at night till five in the morning; and in their courses take up all rogues, vagabonds, and other di-. Sturbers of the peace, and deliver them to the constables, &catomidae ai anolog and ad-

Stands and allorvances for evatch, Ray wood ass

\$25.00 Am A damen

The veltries of each parish, are to appoint frands for the watch; and what allowances shall be made them; also may make orders for their better government. flat. 8 G. 2. c. 15. 9 G. 2. 6. 8.

Watch in London. See Conflables of London.

Edinter= men.

Watchison to

in A appropried Might a training

proserving let the party to the frocts for Constables are to be aiding in executing acts for regulating watermen upon the Thames; and levy penalties for offences, &c. flat. 2 G. 2. c. 26. 10 Geo. 2. (-310) Sa nemidetaw alad 1

Vide Lanus concerning Watermen.

There is to be one measure, &c. throughout cateights and Dea : the kingdom. Magna Chart, o H. 3. fures.

Common bal- Every city, borough and town, is to have a lance in every common balance to weigh goods bought and fold, town, &cc. with common weights fealed, in the keeping of the head officer or constable there; in default a city forf eits 10 /. a borough 4 /. and a town 40 4. to the king flat. 8 H. 6. c. 5. At

At this balance all the inhabitants of the city. At which all borough, &c may weigh gratis; but foreigners inbabitants shall, for every draught under forty pounds, pay may weigh. a farthing; for a draught between forty pounds and a hundred an halfpenny; and above a hundred pounds, a penny, &c! flat ibid.

11 H. 7. c. 4.

In every city, borough and market town, shall Common be a common bushel fealed, according to the bushel in flandard, in like manner as a common balance, every marketon pain as in the statute 8 H. 6. And a bushel What it shall shall contain eight gallons of wheat, every gallon contain. eight pounds, each pound twelve ounces, and every ounce twenty penny-weights or sterlings. flat. 11 H. 6. c. 8. 12 H. 7. c. 5.

Measures and weights of brass, are to be fent Weights and to every city and borough; and mayors or chief measures to be officers in cities and boroughs, shall have a special fealed, under mark for fealing of weights and measures, and penalties. take one penny for fealing a bushel, and a halfpenny for every other measure, and for every hundred weight a penny, half a hundred a halfpenny, every less weight a farthing; and if they refuse or delay to seal them, shall forfeit 403. Sealing any weight or measure not egrecable to the flandard; or fuffering persons to sell or buy by other measures, &c. incurs a forfeiture of 1.

Mayors, &c. shall view all measures and weights, And viewed once a year; break or burn those which are de- by mayors, fective, and inflict a penalty of 6 .. 8 d. on offen. &c. ders. flat. 10 H. 71 C.14.0 ; qual dout mont still

Wholoever shall buy or fell by falle weights or Penaltics, bemeasures; shall forfeit 5 . leviable by diltres, Ge. ing false or by flatute 16 Car. corpus mouther is all oil. d fective.

Also an indictment will lie for felling by falle weights and measures, it being an offence at common law, as well as by flature,

Constables may fearch and examine if any per- Measures to fons use other measures than such as are Winchester be examined measure, and agreeable to the Randard in the by conflabits, exchequer,

exchequer, and fealed, Gr. and if they find any unfealed, they may break them, and prefent the offenders at the next quarter fessions. flat. 22

Selling in unlawful meafures.

Persons selling corn or salt by any bushel or measure not according to the flandard, and ftruck even with the brim, forfeit 40 s. and the corn, &c. flat. 22 Car. 2. c. 8.

Bakers felling their bread under weight, &c. with his one other his

Vide Bakers.

Wrecks.

Constables are to call affishance, by command of justices, and endeavour to preserve ships in danger of a wreck, near the fea coasts; and officers of men of war, and other thips, are to be aiding Esc, under the penalty of 100h flat. 12 Ann. A. 2. c. 18. 144 Adounted by selling at hands

Goods not to be taken ervay.

No person shall enter any such thip without leave from the commander, conflable, &c. Persons carrying away goods from thips in diffress, are liable to pay treble value; but the perfors affifting shall be allowed a reasonable reward for salvage, &c. flat. ibid. 1 cradt has or valob to about

To plunder

To plunder, steal, take away, or destroy any ec. is death, goods belonging to any thip in diffrefs, wrecked, loft, firanded, or cast on shore, (whether any liwing creature be on board or not) or any furniture, tackle or part of fuch thip, or to beat or wound, with intent to deflroy, or wilfully to obstruct the escape of any person endeavouring to fave his life from fuch ship; or to hang out falle lights, with intent to bring any ship into danger, is felony without benefit of clergy, hard had; and all

To fleal without circumstance of cruelty or violence goods of small value, stranded or cast on

shore, is petit largeny.

excheque,

Constables to Seize goods walarofully saken from ony zurecky

If any person shall offer to fale any goods belonging to any thip loft, franced or caft away, and unlawfully taken away, or reasonably sufpedled fo to have been, the person to whom the same shall be offered to sale, or any constable, may feize the faid goods, and carry the fame. and give notice thereof, to a justice of peace; and if the person offering the same to sale, shall not make out his property therein, the goods to be returned to the owner, paying a reasonable reward for the feizure; and the person offering fuch goods to fale, to be committed for fix months, or until he shall have paid the owner treble the value of the goods. flat. 26 Geo. 2. c. 19.

By the statute 3 Ed. 2. c. 4. where a man or Old statute any living creature escapes alive out of a ship cast concerning away, the fame shall not be adjudged a wreck; weeks. but the goods shall be saved and kept by the she-

riff a year and a day for the owner, &c.

A conflable is not to dispute a justice of peace's attar= warrant ! but is to execute the fame with all con rants. venient speed; and if the juttice exceeds his au-Warrants thority, (that is, if he grants a warrant to arrest when to be a person for breach of the peace without cause, executed; (c.) the constable is excused; but if a justice iffues a warrant to be executed out of his jurisdiction, where he has no authority, and he not a and when proper judge, the constable will be punished if not. he executes it. 14 H. 8, c. 16. Lamb. 67. Dalt. 465.

And it is the same if the constable executes a warrant, that has apparent mistakes in the penalty required to be levied; or out of his precinct.

Dalt. 464.

16

But it is faid, if a warrant is directed to a con- Confables stable by name, commanding him to execute it, alling out of though he is not compellable to go out of his their paparish, yet he may if he will, and shall be justified by the warrant in so doing; but if it is directed to all conflables generally, and to none in particular by name, there a conflable out of the precinct cannot execute it. Dalt. 1. Salk. 175. 247. Ld Raym. 545.

A wairant

A warrant to levy a poor's rate upon 7. 8 was directed to the constable of the parish of A. J. S. - had lands in A. upon which he had no chattels, but having a house, and goods therein, in the ad. joining parish of B, in the same county, the constable levied those goods. Hole C. J. held that the goods were well levied. Ld Raym. 735. And that a constable may execute a warrant of a justice, &c. out of his liberty, but is not compellable. Ibid. 736.

Before what ders to be conveyed.

If a warrant be general, &c. to bring an offenjustice offen- der before the justice who grants it, or any other justice, &c. the constable may carry the party betore any magistrate, at his election. Foster's case 5 Co. 50. But where the wagrant directs the bringing the party before the justice that granted it, the conflable must carry him before that justice, and no other.

When a warrant to be rests. Words of an arrest.

A constable or any fworn officer, need not shew his warrant when he comes to serve it; therein on ar- acquainting the person with the contents is sufficient: And if any officer fay, I arrest you in the king's name, though he be no fworn officer, the party must obey at his peril, he having a lawful warrant. If the officer is refifted or affaulted in executing the warrant, be may justify beating and wounding the offender, &c. 9 Co. 69.

Resistance.

In cases of treason, felony, or breach of the peace, where the king is party, a constable may, by warrant from a julice of peace, break open an house to take a criminal; but he ought fift to demand the opening of the doors, and to fignify to the person the cause of his coming. 2 Hawk P. C. 86.

Constables power in apprebending felons, &ci.

By warrant.

Without a

A constable may not retake an offender after he has arrefted him, and let him go upon his promife to return and appear before a justice, by virtue of his first warrant. And if a constable apwarrantfalfe prehend a person without a warrant, and obtain imprisonment. one afterwards, it is false imprisonment; also if a Warrant

warrant is granted against a particular person by name, and he apprehends another of the same Arresting one name, such taking is wrongful; but if there person for are two persons of one name, and the same another. additions, and the constable arrests a wrong perfon, it is no false imprisonment. Dyer 244.

Dalt. 484.

A justice's warrant ought to express the cause What reof its being granted. No justice or justices of quired to peace can make a warrant upon a bare furmife, make a good warrant. to break any man's house, to search for a felon or stolen goods; there must be a felony actually committed, and fworn to, whereon to ground their warrant. A general warrant to fearch after felons, &c. hath been held illegal. 2 Hawk. P. C. 13. but fee Dalt, 114.

A warrant to fearch for stolen goods must express whose house is to be searched, for a warrant to fearch any house or any suspected house generally is bad, also there should be oath of the

luspicion.

If any person throw into the dirt, tread under Contempt to foot, or shew any other contempt to a justice of a justice's peace's lawful warrant, he shall be bound to the warrant. good behaviour, and may be indicted and fined.

Crompt. 140.

If any person, against whom any warrant shall of warrents be granted by any justice of peace of any county, against per-&c. shall escape, go into, and reside or be in any fons escaping or residing other county, &c. a justice of the county, &c. out of the juwhere such person shall escape, &c, shall on proof risdiction of on oath, of the hand writing of the justice grant the justices ing such warrant, indorse his name on such war-granting such rant, which shall be a sufficient authority to the person bringing such warrant, and to all other persons to whom the same was originally directed. to execute fuch warrant in such other county. &c. out of the jurisdiction of the justice granting such warrant, and to carry the offender before the ju-

ftice who indorfed fuch warrant, or fome other justice of such other county, &c. where such warrant was indorfed; in case the offence shall be bailable, and the offender shall be ready to give bail for his appearance at the next affizes. &c. for the county &c. where the offence was committed, fuch justice of such other county, &c. before whom such offender shall be brought, shall take bail for such offender's appearance accordingly in the same manner as the justice of the proper county, &c. might have done, and shall deliver the recognizance, with the examination or confession of the offender, and all other proceed. ings, to the constable, &c. apprehending the offender, who is to receive the fame, and deliver them over to the clerk of affize, or clerk of the peace of the county, &c. where such offender is required to appear by virtue of fuch recognizance. Constable, &c. neglecting or refusing to deliver ever such recognizance, &c. accordingly forfeits 10%. If offence not bailable, or the offender shall not give bail, the constable, &c. shall carry the offender before a justice of the proper county. &c. where the offence was committed, to be dealt with according to law. flat. 24 Geo. 2 c. 55.

of avarrants

In all cases where any justice or justices, is, are or shall be required or empowered by any act of parliament to issue a warrant of distress for the levying of any penalty, or sum directed to be paid in consequence of such act, the justice or justices granting such warrant, may therein order and direct the goods so to be distrained, to be sold within a certain time to be limited in such warrant; so as such time be not less than four days, nor more than eight days, unless the penalty or sum for which such distress shall be made, together with the reasonable charges of taking and keeping such distress be sooner paid. Stat. 27 Geo. 2, 6, 20,

The

The officer making fuch diffress, is empowered to deduct the reasonable charges of taking, keeping and felling fuch diffress, out of the money arifing by fuch fale; and the overplus, (if any) after such charges and the penalty or sum of money shall be fully paid, shall be returned on demand to the owner of the goods diffrained. The officer executing fuch warrant, if required, shall shew the same to the person whose goods are diftrained, and fuffer a copy thereof to be taken, Same flat.

This not to after flat. 7 & 8 W. 3. c. 34. and 1 G. A. z. c. 6. relating to the payment of tithes

and church rates by quakers.

To A. B. constable of the hundred of, &c.

Berks, f. HESE are in his majefly's name, Awarrant to to command you to iffue your pre- a high conflictopts to the several petty constables in all and every precept to petthe precincts within your hundred, requiring them ty constables, to make true and faithful prefentment at the next to make pregeneral quarter fessions of the peace to be holden fensment of for this county, at, &c. on &c. of all and every offences at the the offences committed in their feveral limits, which fions. they are by their oaths obliged to inquire into, viz affrays, bloodshede, &c. (bere set forth the particulars) and that you do then and there appear at the faid general quarter fessions, to make return of this warrant, and do herein, as the act of parliament direct. Hereof fail not at your peril. Given under our hands this day, &c. in the year of our lord, &c.

Berks, f. DY virtue of a warrant to me direct - The high comed from A. B. C. D. &c. Elgrs. ju- flable's prestices of peace for the county aforesaid; These are cept, to perig to charge and require you to make your personal make such appearance at the general quarter fessions of the presentment. peace,

peace, to be holden at, &c. on &c. next, for this county, and bring with you thither, fairly written, all your presentments of treasons, felonies, murders, robberies, thefts, riots, routs, bloodsheds, rescues, hues and cries not prosecuted, gaminghouses, drunkenness, forestallers, cottages erected against the statute, bridges and highways out of repair, common nufances, bawdy-houses, disturbers of the peace, alehouse keepers unlicensed, and disorders in alchouses, false weights and measures, watches and wards not kept, and generally all manner of trespasses and offences whatloever, inquirable by you, and committed within your precincts, to the end the offenders may be proceeded against according to law. Given under my hand, &c.

See the form of presentment of constables, under title Prefentment.

The bigb con-Rable's wara privy fearch.

Y virtue of a warrant to me directed from A. B. aud C. D. Esqrs. two of his majesty's rant to make juffices of the peace for this county, acting within the hundred, &c. aforesaid ; Thefe are to command you to make diligent fearch and inquiry within your precincts, upon Monday next in the night time, after rogues, vagabonds, and flurdy beggars, and all fuch persons as are suspected to keep bawdy-houses, and the frequenters thereof, and also all disturbers of the peace, &c. and to apprehend them, and bring them before, &c. upon Tuesday next by ten of the clock in the forenoon, to be dealt with according to law. Hereof fail not. Dated, &fc.

A high corfable's pres cept to perty constables to prepare lifts, of jurors.

TO Y virtue of a warrant from, &c. justices of peace, at the general quarter fessions held for the county aforesaid, at, &c. on, &c. last past; These are to require you to make and prepare a sufficient list of persons qualified to serve

ao

on juries, viz of the names and places of habitation of persons between the age of twenty-one and seventy, having 80 l. per ann. to serve on the grand jury; and of those as have 10 l. per ann. freehold, to serve on the petty jury, (aliens, infants, attornies, apothecaries, clergymen, conspirators, or persons attainted excepted,) and that you do make a return of the said list at the next general quarter-sessions (Michaelmas) to be held for this county. Given, &c.

Middlesex. By virtue of a warrant to me direct. A warrant ed by his majesty's justices of the from a high peace assembled at the general quarter-sessions held, constable to a petty constable to be to be to levy levy of all and every the inhabitants in your pagaol money. The found of the county gaol, which said sum is thought sit by the justices aforesaid, to be raised in your parish, by an equal taxation; and if any person shall resule to pay his or their parts of the said tax four days, after demanded, that then you do levy the same by distress and sale, &c. within a further space of sour days, returning the overplus, after deducting the charges of the distress, to the owner. Given, &c.

See flatute 12 Geo. 2. cap. 29. 13 Geo. 2.

Berks. By virtue of a warrant to me directed by High conflahis majesty's justices of peace, &c. (ut ble's warfupra) Thefe are to require you to levy the sum of, rant to leve etc. of all and every the inhabitants in your panirepair of rish, by an equal affessment, towards the repairs bridges. of the county bridges; and that you do pay the same to me on, etc. next at, etc. in order to my carrying and accounting for the same to the quarter-sessions, Given, &c. A receipt for money for passing wagrants.

R Eceived this day, etc. of A B. high conitable of the hundred of, etc. the sum of, etc. for conveying C. D. a vagrant to the town of, etc. being the sum ascertained in the justice's certificate within mentioned. Witness my hand, this, etc.

E. F. petty constable of, etc.

Where there are different tithings, hundreds and counties, there must be different constables, although in the same parish, and they must account for their offices before other justices, etc. But though a parish be in several counties, the authority of churchwardens is the same in every part of it, as if all were in one county; for they must follow the ecclesiastical jurisdiction, which is into-dioceses, archdeaconries, etc.

If an action be brought against a constable, churchwarden, etc. for any thing done in the execution of their offices, they may in all cases plead the general issue, and give the special matter in evidence; and if the plaintist is nonsuited, discontinue, or a verdict be for the defendant, he shall have double costs. stat. 7 Jac. c. 5. 21 Jac.

c. 12. Cro. Gar. 175. W. Jones 248.

Expences of conveying offenders to gaol, bow to be paid.

By an act made 27 Geo. 2, c. 3. it is enacted, That when any malefactor or offender, not having goods or money within the county where he is taken, fufficient to bear the charges of himself, and of those who convey him, is committed to gaol, or the house of correction, by warrant of any justice or justices of peace, then on application by any constable, or other officer who conveyed him, to any justice of the same county or place, he shall on oath examine and afcertain the charges, and forthwith, without see or reward, by warrant, order the treasurer of the county to pay the same, who is to do so as soon as he receives the warrant.

But in the county of Middlefex, such charges (after having been examined into upon oath, and allowed by a justice of peace, which he is to do without see or reward) are to be paid by the overseers of the poor of the parish or place where such person was apprehended; and the sum he so pays shall be allowed him in his account.

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Constitution, and the constitution

OF

CHURCHWARDENS

AND

OVERSEERS

OFTHE

POOR,

Their Duties and Offices, &c. in all Cases.

Churchwardens a corporation. Hurchwardens are very ancient officers, and by the common law they are in the nature of a corporation to take care of the goods of the church; the property whereof is in them, but they have nothing to do with the lands. 1 Infl. 3. a. Kelw. 42. Duke's Char. Ules 42.

How elected.

They are elected by the minister and parishioners, or by their joint consent, in Easter week, yearly; and if they happen to disagree, then the minister is to chuse one, and the parishioners another; unless there be a custom to the contrary, which must be observed. Can. 89,

Where

Where the custom for electing churchwardens cannot take, recourse must be had to the canons. Stra. 145. If there be no custom to the contrary, the election of churchwardens is of common right in the parson and the parsishicners. And the curate stands in the place of the parson for the purpose of nominating one churchwarden. Stra. 1246. If the parish oners neglect to elect, the ordinary has no power to appoint churchwardens. Stra. 52. The court of king's bench will not grant a Mandamus for holding a vertry for electing churchwardens. Stra. 686.

When a churchwarden is chosen by virtue of And fworm any particular custom, the archdescon is to swear in their of him, though the election be against the canon; fice. and if he refuses, a Mandamus lies to compel him.

3 Cro 551.

An archdeacon refusing one that is chosen, Temporal ofand appointing another against the consent of the ficers. parish, the court of king's bench will issue out a special writ to the bishop to swear him; and a churchwarden being a temporal officer entrusted with the parish goods, the parishioners may chuse and put in trust whom they think sit. Ventr. 266.

OU shall swear truly and faithfully to exe. The oath of cute the office of a church-warden within your a church-parish, according to the left of your skill and know-ledge; and present such things and persons as to your knowledge are presentable, by the ecclessiastical laws of this realm.

So help you God.

The office of churchwardens continues 'till new Refusing to churchwardens are sworn; and if they refuse to take the sath as the law directs, being duly elected, they may be excommunicated. Before the churchwardens are sworn, they can do no legal act as churchwardens, nor have they any authority,

rity, but whatever they do is of their own wrong. Can. 80.

Peers.

Peers of the realm, members of the house of commons, attornies and officers of the superior courts at Westminster, clergymen, physicians and surgeons in the city and suburbs of London. Stat. 5 H 8. c. 6. 32 H. 8 c. 40 Apothecaries, and every person, who has prosecuted any selon to conviction, or the assignee of the certificate given to such person, pursuant to the Stat. 10 & 11 W. 3. c. 23. is excused from this and all parish offices.

Teachers of dissenting congregations, registered seamen, though not in actual service, etc. are privileged and exempted from being churchwardens, by divers slatutes. If a dissenter be elected churchwarden, he may execute the office by sufficient deputy, who will comply with the laws.

2 Roll. Abr. 272.

Churchwardens to see persons come to church.

Persons ex-

serving.

Diffenters

bow to act.

Besides the care of the repairs of the church, seats, etc. which I shall mention hereaster; churchwardens are to see that the parishioners come to church every Sunday, and to present the names of such who absent, to the ordinary; or levy 1s. for every offence. stat, 1 Eliz. cap. 1.

Perfons not to talk adly at church, &c.

They are not to permit any to stand idle, walk or talk in the church or church yard; to take care that no persons sit in the church with their hats on, or in any other indecent manner, but that they behave themselves orderly, soberly and reverently, kneeling at the prayers, and standing at the belief, etc. that none contend about places, and they may chassise disorderly boys, etc. Can. 18, and 111.

To fee that ministers be licensed. The churchwardens shall suffer no man to preach within their churches or chaples, without producing their license; and take care that all persons excommunicated be kept out of the church. Can.

50, 85.

50, 85, and to see that peace be duly kept in the

congregation.

All quarrelling is prohibited either in the church Quarrelling or church yard; and if any offend in such case, in the church, the ordinary may suspend him from entering the &c. how church, &c. Where one is affaulted and beaten punished. in the church, it is not lawful to return blows in his own defence; for striking or laying hands on another there, the offender shall be excommunicated. 5 & 6 Ed. 6. c. 4. Cro. Jac. 462, 366.

Noy. 104.

They are to apprehend those who interrupt or To apprehend distarb the minister, and bring them before a ju- disturbers of flice of peace, &c. Any person disturbing the mi- the minister nister, by Stat. 2 & 3 Ed. 6. is liable to a pe- and congrenalty of 10 l. and three months imprisonment; gation. for the second offence to forseit 20%, or suffer fix months imprisonment; and for the third offence, shall forfeit all goods and chattels, and be imprifoned during life. By I Eliz. c. 1. to forfeit an hundred marks, &c. And by 1 W. & M. to difurb a congregation, misuse a teacher, &c. incurs a forfeiture of 20 1.

Churchwardens, &c. shall see that the Lord's Search aledays be duly observed; fearch alehouses on Sun- bouses on days; and if they find any persons therein, during Sundays. divine service, they are to make them pay 3s. 4a. and also is. for being absent at church; and the master of the house shall forfeit to s. &c. stat.

1. Tac. c. Q.

They are to execute warrants against such who Profaners of profane the Lord's day; and levy the forfeiture of the Lord's 11. Cr. on those who curse or swear, by warrant day. from a justice, &c.

Perfons doing any worldly labour on a Sunday, forfeit 5 s. butchers killing or felling meat, carri-

ers travelling, &c. See Constables.

Churchwardens are to keep the keys of the bel- Churchwarfry, and take care that the bells be not rung with- dens to keep out keys of the

out good cause, to be allowed of by the minister and themselves. Can. 88.

To make prefentment of things belonging to the church.

And they are to make presentment upon oath, (usually twice a year) especially at the visitation of the bishop, of the several articles following, viz. whether there be a box for alms in the church; the bells and bell ropes are in repair; there be a bible, common prayer book, and book of canons; a desk for the reader, cushion for the pulpit, and a surplice; a communion table, table cloth, cups and covers for bread, slaggons and font; a carpet, a register book and chest with three locks; the king's arms set up, grave-stones and monuments well kept; Lord's prayer, creed and commandments in fair letters; the church-yard well fenced, church and chancel and parsonage-house in repair, so

Things concerning the parson. Whether the parson reads the thirty nine articles twice a year, and the canons once a year, preaches every Sunday good doctrine, reads the common prayer, celebrates the sacrament, reads the homilies, observes the 30th of January, the 20th of May, and the 5th of November; preaches in his gown, wears a surplus, visits the fick, buries the dead, catechises children, baptizes with god fathers, marries according to law, and lives a sober life.

Things relating to the parispioners. If any one of the parishioners are adulterers, fornicators, drunkards, sweaters, haunters of ale-houses, &c. in time of divine service, work on Sundays, not repair to church, alms-houses or schools abused, legacies given to pious uses, baptism neglected, women not coming to be churched, marrying in prohibited degrees, (of which there is to be a table,) marrying without banns, license, or at unlawful hours, if sacraments received three times a year of all above fixteen; seats, if parishioners are placed in them without contention, &c. and if they resulted to make presentment, the parson and vicar may present.

By

By the 117 canon, churchwardens are to Presentment; make their presentments of fuch things which are of things gigiven in charge at the vifitation; but not oftner ven incharge than once a year, where it hath been no oftner used; nor above twice in any diocese whatfoever, except it be at the bishop's visitation: The general time of making presentments is at Eafter.

And as at the common law, inquiry is to be Not to be made of offences by juries; fo by the ecclefiaffical made out of laws, inquest shall be made by churchwardens, malice. Ge. But the presentment which they make must not be with a malicious defign to vex the people; for if fo, an action on the case lies against them. Cro. Car. 285.

N. B. Parfons relident on livings not reading the common prayer once a month, forfeit 5 1. 13 & 14 Car. 2. c. 4. And marrying persons without publishing the banns or license, they shall forfeit 100 /. the persons married 10 /. and clerks affilling 5 1. Stat. 7 & 8 W. 3. c. 35. In every parish there shall be a parish register, of christenings, marriages, and burials, subscribed by the minister and churchwardens, and the names of the perfons are to be transmitted yearly to the bishop,

See 26 Geo. 2. c. 33. for the better preventing Perfons comof clandestine marriages; and thereby if any person mitted of joshall, after the 25th of March 1754, solemnize ma- lemnizing trimony in any other place than a church or pub-contrary to lick chapel, where banns have been usually pub. flat. 26 Ges. lished, unless by special license from the archbi 2. c. 33. 10 shop of Canterbury; or shall folemnize matrimony betransported without publication of banns, unless license of mar for 14 y-ars; riage be first obtained from some person having authority to grant the same; every person knowingly and wilfully offending, and being lawfully convicted thereof, shall be adjudged guilty of felony, and be transported for fourteen years. And all marriages folemnized after 25 March 1754, in M 2

and marriage woid.

Churchwardens to prowide books for entering marriages and banns of marriage.

any other place than a church, or such publick chapel, unless by special license as aforesaid, or that shall be solemnized without publication of banns or license of marriage from a person having authority to grant the same, shall be null and void.

The churchwardens and chapelwardens of every parish or chapelry are to provide proper books of vellum, or good durable paper, in which all marriages and banns of marriage respectively, there published or solemnized, shall be registered, and every page thereof shall be marked at the top, with the figure of the number of every fuch page, beginning at the second leaf with number one; and every leaf or page so numbered, shall be ruled with lines at proper and equal distances from each other; or as near as may be; and all banns and marriages published or celebrated in any church or chapel, or within any fuch parille or chapelry, shall be respectively entered, registered, printed or written upon, or as near as conveniently may be to fuch ruled lines, and shall be figned by the parson, vicar, minister or curate, or by some other person in his presence, and by his direction; and such entries shall be made as aforesaid, on or near such lines in successive order, where the paper is not damaged or decayed by accident or length of time, until a new book shall be thought proper or necessary to be provided for the fame purposes, and then the directions aforesaid shall be observed in such new book; and all books provided as aforefaid, shall be deemed to belong to every such parish or chapelry respectively, and shall be carefully kept and preferved for publick use. Stat. 26 Geo. 2. cap. 33.

Seats, persons placed in.

The churchwardens, with the consent of the minister, have the placing of the parishioners in the seats of the body of the church, appointing pew keepers, &c. reserving to the ordinary, a

power

power to correct the same: And in London the churchwardens have this authority in themselves

by custom.

Churchwardens are to repair the feats in the To repair church, and dispose thereof; but this is a subor-seats, and dination to the bishop of the diocese, who ought when dispose of common right to place or displace such as shall of places. Set therein, unless custom or prescription interposeth; there his jurisdiction ceaseth, and the temporal courts give remedy in case of disturbance, Sec. 12 Co. 105. 3 Inst. 202.

But the churchwardens may not prescribe for a Appoint right, (though they have generally the disposition pewkeepers, of seats, appointing gallery-keepers, &c. except &c. in cathedrals) for the ordinary's desisting from acting; they being only a corporation capable of

goods, and not of inheritance.

If there be a custom in a parish, that the Churchwarderchurchwardens are to repair the old seats, and dens to repair erect new ones, and to appoint who shall six in feats. them; and they do erect a new seat in the body of the church, and appoint a certain person to six there; and after the ordinary decree that another shall have the seat: In this case a prohibition lies against him, for the custom hath fixed the By custom. power of disposing the seats in the churchwardens. Roll. Abr. 288.

The grant of the seat to one and his heirs is Grants of not good. The churchwardens of D. by virtue feats not of their custom disposed of a seat to one; and the ordinary granted the same seat to another and his heirs; whereupon a prohibition was

By the common law, the church and church Body of the yard are the freehold of the parson; but the use of church, the body of the church, and the repairs thereof,

common to all the parishioners.

A man may have a feat in a church appendent Family feats, to his house or his estate, and prescribe that he and repairs give his ancestors, or those whose estate he hath, usu- the title.

M 3 all

ally fat there and repaired the feat; but one cannot prescribe to a feat in the body of the church generally, without shewing that he, and all those he claims from, have time out of mind repaired it. For the body of the church and the repair and maintenance of it is common to all the parishioners; and for avoiding confusion the distribution and disposing of seats, and the charges of repairing, belongs to the ordinary. Heb. 69. 2 Roll. Abr. 288.

The right to the upper place in a feat belongs not to the ecclefiaftical court to determine : and it is claimable by prescription as well as the seat it-

felf. Nov 78. Latch. 116.

Seat in the chancel.

A parlon impropriate, and confequently his farmer, ought to have the chief place in the chancel because he repairs it; but by prescription a

parishioner may have it. Nov 133.

If one and his ancestors have time out of mind repaired the ifle, and fat and buried there, that makes it proper to him and his family; fitting there only does not, but the ordinary may appoint who shall fit there. Noy 104. Cro. Jac. 366.

Ifles peculiar to families.

The case is the same in an isle of a church: For a prescription for a man to fit there with his family, and repair it, makes the isle peculiar to his house, and he cannot be displaced by any body. Cro. Jac. 367. And the ordinary, &c. hath no power over feats in private chapels, belonging to particular families. Roll. Abr.

But if a man erect a pew in a church; or hang pews, bang- up a bell in a steeple, they thereby become churching up bells, goods (though they are not expresly given to the church) and he may not afterwards remove them; if he does, the churchwardens may fue him.

Stat. 10 H. 4.

Churchavar-Churchwardens are to fee that the body of the dens duty in church and steeple are in repair; but the chancel repairing the is to be repaired by the parson: And the church-

wardens

Eresting.

&c.

wardens are not bound to repair any part of the church or isle which any man claims by prescription to him or his house. Anciently both the church and church-yard were repaired out of the revenues of the church, and a fourth part of them was appropriated for that purpose.

A man, who has lands in a parish in his own occupation, is chargeable to the repairs of the church, though he dwells in another parish.

Rep. 66. Cro Eliz. 659, 843.

The gates, stiles and doors leading into the Churchchurch yard, and the ways therein, are to be kept yards, gates, in due repair by the churchwardens: And church-doors, ways, ways must be broad enough, not only for the paf-repaired. fage of fingle persons, but for carrying of a corpfe through the same to be buried, as often as there shall be occasion; and the stiles are to be fo made, that persons of all ages may be well able to go over them: But if any one hath a private door to the church, or a way through the churchyard, (which may not be made without the confent of the minister, and a faculty from the bishop) they must be repaired by him who hath the ufe of them. Inhabitants may prescribe to have a way through a church-yard, in respect of a meffuage or land acjoining; they and their anceftors having always had and repaired the fame. 2 Roll. Abr. 265.

Church reparations extend particularly to church- Particular, yard walls, the walls of the church and sleeple, repairs. the floor, the pulpit, and the pews, windows, iron bars and glass; the roof of timber, with laths, nails, &c. the covering of lead, tiles, &c. the doors with locks and keys; stairs, bells, wheels

and ropes in the steeple. Can. 85.

And parishioners are chargeable for the repairs Church ornaof ornaments of the church: The communion ments what, table and coverings, the communion cups, bible and other books appointed to be kept in churches,

Churchwardens and

the furplice, pulpit cloth and cushion are accounted church ornaments.

Sexton's wages, &c.

The expence of all thefe, the fexton's wages, washing the communion clothes, candles and money disbursed by the churchwardens, are to be raised by a rate or tax.

Rates made by churchwardens, &c. for repairs.

These rates are to be made by the churchwardens, and the greater part of the parishioners present, after a general notice given. 367.

And some of our law books tell us, that if the parishioners (upon publick notice given them) do not affemble, the churchwardens and overfeers of the poor, or the greater part of them, may make a rate, and levy it upon the inhabitants; it being first confirmed by the ordinary of archdeacon. 2 Inft. 489.

Persons chargeable shereto.

The charge is in respect of the lands; and therefore if the owner lives in another parish, he shall be rated to repairs in the parish where the lands lie, unless he let the same by lease; and then he shall be charged in respect of the rent reserved; and in such case, if the lessee or farmer is fued for repairs, he may plead it, and the court will order the tax to be divided between the land. lord and him, viz. That the tenant shall contribute in proportion to the rent reserved, and the landlord for fo much as the land is worth above the 2 Roll. Rep. 270.

Repairs a charge on perfors in re-

As to this being a real charge upon all the lands in the parish, or only upon the persons in respect Spett of lands, of their lands; the better opinion is, that it is a personal charge, by reason of the lands. where the owner or occupier refuses to contribute, the lands cannot be sequestred; but the persons may be excomn un cated by the ordinary : Also two jeffices, (one of the Quorum) may make their warrant to the churchwardens, to levy by diffress all fums in arrear of those who refuse to contribute according to affesiment; and in default of distress, commit

Juffices power to levy money offeffed.

commit them to gaol till payment. A man shall be charged for the repairs of the church where his lands are; because to this purpose he is a parishioner there, though he live in another parish. Cro. Eliz. 659. 2 Roll. Abr. 289. Dalt. 155.

2 Mod. 255.

The reparations are to be done by the churchwardens, at the charge of all the parishioners of ability; and the ecclefiaftical judge may excommunicate them, for any neglect in not repairing. The spiritual court hath original jurisdiction of Power of repairs of churches, and of rates for the fame; fpiritual and when a fuit is brought in that court against a pairs and person for his proportionable part of such rate, he rates. may be compelled to put in his answer upon oath, whether he hath paid or not. Mod. 194. Vent. 329.

If a church is fo much out of repair, that it is Major part necessary to pull it down, in such case upon a ge- of parish neral warning to the parishioners, having first obtained the consent of the ordinary, the major part build the meeting may make a rate for pulling down the church. church, and rebuilding it on the old foundation, making vaults, &c. and it shall be good: Also it hath been held, that if a parish be increased, the greater part of the parishioners, with consent of the bishop, have power to raise a tax for the neceffary enlarging of the church. 2 Mod. 222. Mod. 237. Salk. 165.

The majority of parishioners may make a rate Parishioners for altering the place of the communion table power in and carrying it into the chancel; or for raising making rates. fleps to go up to it, and oblige the whole parish, for they are compellable to put things in decent order, and they can best judge of the rules of decency: But the majority cannot make a rate to bind the rest for repairing or adorning the chancel; because that is the parson's freehold. the churchwardens would fet up a new feat, make a new gallery, &c. where there was none before, they must have the consent of the major part of

Jult vestries.

Churchwar- the parish, and license of the ordinary. And dens to con- though churchwardens may repair the church, &c. without confolting the vetlry; in chargeable repairs, it is fafe to have the advice of their neigh. bours, who are to bear the charges of them. 5 Co. 66, 67. Popb. 137. Mod. 236.

Rates for repairs of church orna-

A person living in one parish, and occupying lands in another, shall not be charged for ornaments only of the church where the lands lie; because the inhabitants are to be charged for ornaments in respect of their personal estates. Abr. 201.

Charge, boro haid.

For church ornaments, the charge is upon the personal estate of the parishioners, and not upon their lands; fo that if a rate is made to charge the land, a prohibition will be granted: But by cuflom, lands, &c. may be hable to it. 2 Roll. Rep. 292. Cro. Eliz. 843. 2 Lutz. 1019.

A rate for repairs of a church.

A Rate or affessment of fix pence in Brent fora. the pound, made the day -in the year of our lord 1742, upon the inhabitants of the parish of B. eforesaid, towards defraying the necessary expences and dilbursements that have been laid out and expended in and about the parish church, and ornaments thereof; and also the church-yard, by us whole name are here under written,

$\{E, K, L, M, C$	g 4% Hitys		
N. O. P. R. Overseers of the poor.	ogy sta v	11 20°	
J. L. A. M. T. S. W. Y. &c. Inhabitants or parishing.	oners	•	
A. B. for one meffuage,	0	12	6
C. D. for one tenement, &c.	0	10	0
E. F. for his lands called, &c.	. 0	9	6
		G.	H.

G. H. for the tenement called, &c. 0 11 0 M. E. for, &c.

Note; After the rate or collecting book is made and figured as above, it is to be confirmed by the ordinary.

To the churchwardens of the parish of, &c.

Midd. J. TIJ Hereas complaint hath been made A warrans unto us, by J. K. and L. M. of, to difrain &c. churchwardens of the faid parish, that C. D. for a church E. F. Gc. have refused or neglected to pay the rate. fums of money by legal affessment rated on them, for and towards the reparation of the parish church of, &c. aforesaid, viz. the said C. D. the sum of, &c. and the faid E. F. &c. Thefe are therefore in his majesty's name to command you, that you or any of you, do levy the faid feveral and respective sums of, &c. by distress and sale of the goods of the faid C, D. and E. F. respectively, rendering to them the overplus, if any be, after the faid feveral fums and the charges of the difiress deducted; and in case there be no goods, whereof a sufficient distress may be taken, that then you do certify the same to us, that such further proceedings may be had as to justice appertains. Given, &c.

Houses as well as lands, are chargeable to these Unequal rates. And if a parish is unequally rated, those rates, remedy. who are grieved must plead it in the spiritual court, being sued there; but they cannot have a prohibition. 2 Rell. Abr. 291.

After the churchwardens year is expired, they of churchcannot as churchwardens commence a fuit, as to wardens compel payment of rates for repairs of the church, shing for or the like. But if they commence the fuit within their year, they may proceed in it after their year is out; it being ex necessitate to prevent people from delays, in order to wear out the year. 2 Strange 852.

New casting saxes.

A man living in one parish, and holding land of bells, for in another, may be taxed towards the new cashing of the bells of the parish where his lands are; for as they are necessary to the people, they are more than ornaments.

Per fons not chargeable for repairs.

A man had a lease of a stall in a market town. where he fold goods once a week, but lived in another parish; adjudged not chargeable in the market town. 2 Roll. Abr. 288.

Chapetry, repairs of.

Persons of a chapelry, having always chriflened aud buried within themselves, may preferibe to be exempt from repairing the motherchurch: But if there be a chapel of ease where they hear divine fervice, and they bury at another church, they must contribute to the repairs of that church, notwithstanding they repair the chapel.

Repairs of new churches &c.

No church new built is esteemed as such in law till confecration; which being done, the parishioners are then to repair it: But neither the ordinary nor churchwardens can give leave to bury there, but the parfon only; the freehold of the foil being in him. 1 Cro. Eliz. 367.

Burials.

If a question should arise, whether it is a church or chapel belonging to the mother church, and any proof can be made that facraments have been administred and the dead buried, then it is by the law accounted a distinct church.

Sacraments and burial church.

> Though the freehold of the church and churchyard be in the parson; yet as he can hinder no parishioner from having a place in the body of the church, fo he may not hinder any fuch from being buried in the church yard; but for burying in the church, it is otherwise. Cro. Fae. 366.

Right of burial.

> The fee for breaking the foil on burials, belongs to them upon whom the burden is of repairing the pavement; that is, to the parson for the chancel,

Fees for breaking ground.

and

and to the churchwardens for the body of the

A man may be indicted at lessions for digging Robbing per-

up the graves of persons buried, and taking away fons in the their burial dresses, & c. afterwards interring their grave. bodies again And by Co. Lit. 113. it was resolved in this case, that the property of the winding sheets remained in the person who was the owner when used; and an offender was found guilty of selony, but had his clergy. Hain's case.

If any person shall draw a weapon in the church Fighting in with an intent to strike, or a stroke shall be given, the cauch. the party may be indicted, and have judgment to lose one of his ears. Stat. 5 & 6 Ed. 6.

And if any person shall arrest a minister or a Arresting lay man going to or returning from church on a persons going

Sunday, he may be punished by indictment.

But to return to churchwardens. They may Churchwar-

maintain an action for defacing a monument in dens power in the church. Godb. 279. And so may an heir respect to by descent, have an action against any one who goods, debeats down or defaces coats of arms, &c. of &c. his ancestors in the church or church-yard. Cro. Jac. 367.

If the organs be taken out of the church, the organs, churchwardens may bring an action of trespass, though the vicar took them; because they belong to the parishioners, and not to the par-

But if any thing belonging to the freehold be Freehold in broken or cut down, the walls, windows, doors the parfor. or trees in the church yard, &c. the parfon or vicar, and not the churchwardens, shall have an action. Stat. 8 H. 6. The soil at d feed of the church-yard are the minister's, and the trees growing therein; but he is not to cut them down, unless for repairs of the chancel, &c. though he may top them. 35 Ed. 1.

Churchwardens

Clurckavard ns may purc'afe goods, &cc.

Churchwardens are a co-poration only as to moveable goods, for the use of the church, and they may purchase such goods and chattels; and also sue or be sued for or concerning such goods, but for the use of the parish. Roll. Abr. 303.

But not Jands.

For they cannot prescribe by the name of churchwardens to have lands, &c. (except it be in London :) Neither can they have any action at common law to recover goods, money given, &c. of which they were never possessed: but if they had possession, then they may bring an action and recover damages to the use of the parish, if such goods are taken away and abused: and they may recover goods by bill in equity which they never had possession of; but they cannot sell or difpole of them without the affent of the parish; if they do, the parishioners may chuse new officers, who may bring action of account against them. 3 Co. Rep. Hadman's case.

By cultom in may take lands, &c.

In the city of London, by special custom, the London they churchwardens with the minister make a corporation for lands as well as for goods; and may as fuch hold, purchase and take lands for the use of the church, and fue and be fued on account thereof. And there is another custom in London, for the parishioners to chuse both churchwardens, exclusive of the minister; who is also there excused from repairing the chancel of the church. Cro. Jac. 325. Co. Infl. 3. Roll. Abr. 339.

To fix fire .cocks, &c.

Churchwardens of every parish within the weekly bills of mortality fla'!, at the charge of their respective parishes, fix upon the pipes belonging to the water works, stop blocks and fire cocks; and make a mark on the front of any house over against them to find them, where an instrument is to be kept to open the plug when any fire happens. Aat 6 Ann. c. 31.

And in each parish is to be kept a large engine, Keep engines & . in repair and a hand engine, and a leather pipe and focket er for feit sol of the fame fize as the plug or fire-cock, under the penalty of 101. to be levied by warrant of the justices by distress and sale of the goods of the churchwardens; one moiety to go to the informer, and the other to the poor. Stat. Bid.

The first person who brings in a parish engine, Reward to or any other large engine with a socket, &c. when persons bringany sire happens, shall be paid as an encourage-ing engines, ment 30s, the person who brings in the second parish engine, shall be paid 20s, the third 10s, and the turn cook, whose water shall first come into the main pipe, is to have 10s, paid by the church vardens, or the same shall be levied by differs, &c. Stat. 7. Ann. c. 17.

And the churchwardens and overfeers of poor Affest the may make rates and affestments for money for the montes, &co. maintenance and repairs of engines, stop blocks, &c. as they do for the maintenance of the poor,

&c. flat. ilid.

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Chu-chwardens are to account at the end of Churchwardthe y. a., and deliver what remains in their hands dens are to to their fuccessor, by writing indented; and if account, they refuse, they may be presented at the next visitation, or the new churchwardens may have an action against them at common law: but they shall be allowed all necessary disbursements. And if they have not gathered their rates, they are to prosecute persons before they leave their offices; present them in their last presentment, or pass over their arrears to their successors, who shall recover the same for them. Can. 88, 89, 109. Roll. Abr.

When churchwardens receipts fall short of their Money and d sourcements, the succeeding churchwardens ought goods, &c. to pay them the balance, and place it to their to be deliveraccount, by the canon 88. At the same time that the churchwardens pass their accounts of all money received and expended during their office, they must also give an account of the church goods committed to their charge, which shall be then brought forth, called over and examined, and af-

ter that delivered over to the successors, together with the keys of the parish chest, &c.

Disputes in accounts, bow decided.

If any dispute arise about the account, it is to be decided before the ordinary; and for difburfement of any fum not exceeding 40s, the churchwarden's oath alone is a fufficient proof; but for all fums above 40 s. receipts must be produced, &c. No allowance of account can discharge church. wardens of any fraudulent dealings, which they may have been guilty of in their office; but whenever any fuch are detected, they are accountable, and every parishioner hath a fight to claim justice And though all the parish have against them. allowed accounts of the church goods, the ordinary may call them to account before him too, and punish them if he find cause; but in laying out money, they are punishable for fraud only, not indifcretion. 2 Roll. Abr. 120.

Posver of the ordinary in cumpelling turchwardens to acwount.

The ordinary is not to take the account of the churchwardens, but only to give judgment that they do account; and if the churchwardens being cited into the spiritual court to account, plead that they have accounted at the vestry according to law, and the ordinary rejects the plea and proceeds, notwithstanding the plea, the court of king's bench will grant a prohibition. 2 Stra. 974. Andr. 11. 2 Barnard K. B. 421. Bunb. 247. pl. 318. 2 Barnard. K. B. 422. 2 Stra. 1133. Bunb. 389. pl. 370.

Clurch wara vacancy of the benefice.

Churchwardens have the care of the benefice dens power in during its vacancy; and as foon as there shall be any avoidance, they are to apply to the chancellor of the diocese for a sequestration; and having taken out an instrument for it, they are to manage all the profits and expences of the benefice for him that shall next succeed: Plow and fow his glebes, take in the crop, gather in tithes, thresh out and sell corn, repair houses, fences, &c. but not commit waste upon the living, in cutting timber, &c. And they are to take care, that

that during the vacancy, the church be duly ferved by a curate approved by the bishop, whom they are to pay out of the profits of the benefice. 2 Inft. 89.

If churchwardens through improvidence, in- Doing waste, discretion or negligence, waste the church goods &c. may be in their custody, or much damnify the parish, on changed, proof thereof, they may be removed at any time, by the authority of the ordinary. 13 Co. 70.

They are to join with constables in making rates To join with for relief of poor prisoners, maimed soldiers, &c. constables, and in chuling furveyors of the highways, ap overfeers of pointing days to work, &c. and they must join with overfeers of the poor in the execution of their whole offi e

Of Sidesmen (Synodsmen) or Questmen.

Sidesmen are those officers that are yearly cho Sidesmen asfen in great parishes, in London and other cities, fistants to to affift the churchwardens in making inquells and churchucrpresentments of such offences and offenders to the ordinary in his episcopal fynod, as are punishable in the spiritual court.

The fidefmen shall be chosen in Easter week How chosen by the minister and parishioners; or if they can- and apnot agree, shall be appointed by the ordinary; and pointed. take an oath that they will affift the churchwardens in the execution of their office, fo far as by law they are bound.

They are diligently to see that all the pa- Their duty in rishioners duly resort to the chirch upon all Sun- making predays and Holidays, and there continue during the fentments of whole time of divine fervice, &c. And all fuch offences, &c. as shall be found negligent in resorting to the church, they shall call upon, and after due admonition, present them to the ordinary of the place. Can. 90.

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No churchwardens, sidesmen or questmen, shall Not to le be cited or called but only at the times limited and cited by biappointed usual times. N 3

Churchwardens and

appointed to appear in the ecclefiastical court, for refusing to present any faults or offences committed in their parishes at other times; nor be farther troubled after their presentments delivered at the usual time, unless it appear that they have wilfully omitted for favour, &c. to present some notorious public crime or crimes; or upon just cause to call them in order to explain their former presentments, &c. But in case of any wilful omission of their duty, the ordinary may proceed against them for breach of oath, as in cases for wilful perjuy. Can. 117.

Unless for negligence.

To the constables, churchwardens, sidesmen, and overseers of the poor of the parish of, &cc.

I warrant against sabbath breakers.

Midd. J. Hereas we A. B. and C. D. Efgrs. two of his majesty's justices of peace for, &c. have been informed, that the Lord's day is often profaned in your parish by diforderly meetings of feveral idle persons, and by gaming, sports, and tipling in public houses and shops, and by persons using their trades and callings on that day, contrary to the laws in that case made and provided; which disorderly and unlawful proceedings tend to the encouragment of vice, lewdness and immoralty, to the great dishonour of GOD, disturbance of the inhabitants, and evil example to others: These are therefore in his majesty's name to require you, and every of you, to make strict and diligent fearch throughout your faid parish, on the next Lord's day, being the, &c. for all fuch persons offending as aforefaid; and that you take a true account of all and every the persons offending in the premiffes, to the end the same may be returned by you upon oath unto us at a petty felfions to be held at, &c. on, &c. in order to inflict such penalties upon them as the law in that case requires; and herein you are not to fail. Given under our bands, &cc.

Of briefs, and their management.

The statute 4 Ann. c. 14. enacts, That when Briefs to be copies or briefs are delivered to the wardens of indorfed the churches and chapels, &c. immediately after receipt, they are to indorfe the time of receiving, with their names thereon, and forthwith deliver them over to the ministers and curates, who shall likewise indorfe the time of their receipt, and their names, in like manner as the churchwardens.

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mflict The ministers, curates and preaches, on some Read, and Sunday, in two months after receipt thereof, are money colimmediately before preaching openly to read such lected. briefs in their respective places of meeting; and the churchwardens shall collect the money that shall be given there, or go from house to house, &c.

The sums collected, place and time, are to be Sums to be indorsed in words at length, and signed by the indorsed. minister, curate and churchwardens, and by the teacher and two bestantial persons of separate congregations: And the briefs indorsed, and money collected shall be delivered to the persons undertaking the brief, under the penalty of 20 l. Penalties. The undertakers not demanding the briefs and money, in six months, are liable to the same penalty.

If the whole number of briefs be not returned, And briefs the undertaker for every copy wanting shall for-returned. feit 50 l. unless he make sufficient proof in chancery of the briefs being lost by inevitable accidents, and of the money collected thereupon. And a register is to be kept of all monies col-Register to lected, inserting the occasion of the brief, and be kept.

the

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Churchwardens and

the time when collected; to which all persons may have a free refort.

How money

The undertakers in two months after the reaccounted for ceipts of the money, and notice to sufferers, are to account before a master in chancery, to be appointed before the lord chancellor.

Briefs not to be farmed.

All farming and purchasing such charity money is declared unlawful; and deeds of covenant and agreement concerning the same shall be void : and any person agreeing to purchase the benefit of such brief, shall forfeit 500% for the benefit of the fufferers.

Penalty.

Of parochial libraries.

By flatute made 7 Ann. c. 14. it is enacted, Libraries to be preserved, that libraries erected in parishes shall be preserved for the uses directed by the founders.

Catalogues taken of books.

And where a parochial library is appropriated to the use of the incumbent, he must within fix months after his induction, make a catalogue of all books in the library, and fign the fame, acknowledging the possession of such books, which catalogue is to be delivered to the ordinary.

Books to be locked up, and not alien able.

And upon the death of an incumbent, the library shall be locked up by the churchwardens, or a person appointed by the proper ordinary; none of the books shall be alienable, without the confent of the ordinary, and then only when there is a duplicate of fuch books. And if any book shall be taken away or detained, a justice of peace may grant his warrant to fearch for the fame, and order it to be restored.

If taken away, remedy.

> Also action of trover may be brought in the name of the ordinary, in which treble damages and full costs shall be recovered.

All for building fifty new churches in London and Westminster.

1. By the statute of Ann. c. 23. A duty of 25. Duty on ceals. per chaldron is laid upon all coals imported in Lon-

aon, for a certain term or number of years.

z. The money arising by this duty is to be paid Apprepriated into the exchequer, and appropriated for building to build new fif y new churches of flone with towers or fleeples, churches. and for purchasing fites of churches, church yards, Ge. in or near London and Westminster, and for making chaples already built parish churches, such as are capable thereof, &c.

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3. The queen, by letters patent may nominate Commissioners commissioners, who shall meet as often as there is appointed. occasion, and inform themselves in what parishes the new churches are most necessary to be built, and of proper places to build them in, and of church-yards and burying places to be bought; and no burials are to be in or under any of the new churches.

4. The commissioners, or any five of them, Their power may agree and contract for the purchase of lands in purchasing for the faid new churches, for church-yards, and lands. for ministers houses: The lands purchased shall be conveyed to the commissioners and their heirs; and they are to cause the churches to be built, provide houses for ministers, church yards to be inclosed, &c.

5. They may, by parchment writing under Ascertaining their hands and feals enrolled in chancery, afcer bounds of tain the bounds to each new church and church- churches. yard; and also the district of each parish that shall be appointed for every new church: And after the involment of fuch writing and confectation of the church, fuch district shall be taken to be a distinct parish; and the inhabitants within that district shall be parishioners thereof, and subject

Making new to all taxes, rates for the poor, &c. as the inparifies, &c. habitants in the parish from whence such new parish was taken, are chargeable; but shall be exempted from bearing any office or charge in the other parish.

Restors of the nerv churc'es.

Fibo to piefent.

6. There shall be a rector in every new church; and a morning preacher in a chapel converted into a parish church, who has officiated therein for a month before the confecration, who shall be the first rector of the new church; and in every o h r new church the first rector is to be appointed by the queen, and he and his successors shall be called the rector of such new church; and the freehold shall be in him and his succe flors, and he and they may purchase and take lands to the value of 2001 per annum.

Value of rectories.

How right of put in ge Jettled.

7. Any person whatsoever may contract and agree with five or more of the commissioners for any lande, &c, or for limiting or fet ling the right of patronage, and presentation of the succeeding rectors; and until such settlement can be made of the right of patronage in every new parish, the crown shall present on any avoidance.

Ecclosia ! ical

8. The rectors of the new churches, and the government. churchwardens, shall be subject to the ordinary, and the bishop of London is to visit, institute and exercise ecclesiastical jurisdiction in all parishes to be erected. Er.

Low churchelected.

9. The first churchwardens, overfeers of the wardens, &c. poor, surveyors of the highways, and other parish officers of every new parish, are to be elected by five or more of the commissioners out of the inhati ants, within a month after the confectation of each church : And the faid parish officers shall lare the lke powers, and be subject to the same laws as any other in London and Westminster; and all the succeeding par sh officers shall be chosen and fworn yearly in every new parish, according to the laws now in force.

10. Five

10. Five or more of the commissioners with Vestrymen the confent of the ordinary may name a fufficient chofen. number of the inhabitants of each new parish to be veftrymen, and upon the death or removal, Ec. of any vestrymen, the rest, or the majority, may chuse another, being an inhabitant and householder in the parish. But all parochial customs, b, e-laws, &c. used in any parish divided, shall notwithstanding such division, continue in both parishes.

11. Five or more of the commissioners, with Division of the consent of the present rectors, churchwardens, parishes, as vestry, &c. or the rectors, vicars, parish officers, to rates. and vestrymen or principal inhabitants, with the content of the ordinary, by writing inrolled in chancery, may make a perpetual division of parishes, as to church rates, rates for the poor, highways, &c. and until fuch division be made, the parish rates shall be affested and levied through all parts which now belong to the prefent parishes.

12. The parish officers, with the vestry or Rates for the p incipal inhabitants of the new parishes, are to poor, &c. meet every year, on Thursday in Easter week, or bow made. oftener, on notice given the Sunday before in the chuich; and there affefs the rates for the poor, and other parish rates, and apportion the faid rates, to be collected for the relief of the poor.

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By Stat. 1 Geo. A. 2 c. 23. A duty is granted 1 Geo. on coal- imported in London, to be appropriated for Maintenance the maintenance of ministers for the fifty new of clergy. churches; and the king is to appoint commissioners to execute powers, &c.

The 12 Geo c. 39. makes a particular provi- New church fion for the rector of St. Mary le Strand, and of St. Mary ordains that the faid rector fhall have the interest of the sum of 2500/ out of the money directed by the act I Geo. And for a further maintenance 1251 per ann. to be raised by an equal pound rate on the inhabitants within the district appointed for the faid parish; and the rector, church-

churchwardens and vestry are empowered to make affestments, being allowed by two justices of peace, &c. also the sum affested shall be yearly collected by such persons as the vestry or churchwardens shall nominate, for whom the parish is to be answerable, &c.

t Geo. 2. church of Milbank Westm. And the flat 1 Geo. 2. c. 15. Enacts, that for raising a maintenance for the rector of the new parish near Milbank in the parish of St. Margaret, Westminster, 2500 l. shall be allotted for his share of 360,000 l. appropriated for the churches, to be laid out in the purchase of lands, &c. for the use of the said rector, by order of the commissioners, &c. And also the sum of 125 l. a year shall be raised on the inhabitants, by an equal pound rate, made by the rector, churchwardens, &c. over and above sees and perquisites; payable quarterly, in lieu of titnes, &c. subject to some deductions to the present curate.

Rates and Assessments.

Spital Fields

By 2 Geo. 2. c. 10. maintenance is provided for the minister of the new parish or hamlet of Spital-Fields, viz. 3000 l. and 125 l. per ann. to be paid by the churchwardens, out of money raised for burials, vaults, monuments, &c.

Wapping.

And by 2 Geo. 2 c. 30. the like provision is made for the minister of the new church of Wapping, Stepney.

Stratford Bow. 3 Geo. 2. The 3 Geo. 2. c. 3. provides for the minister of the parish of St. Mary Stratford Bow in the county of Middlesex, viz. 3500 l. to be laid out in the purchase of lands, &c. and 40 l. a year to be raised by the churchwardens, on pews, &c. for the use of the rector.

Limehoufe.

By Stat. 3 Geo. 2. c. 17. A provision or maintenance of 3500 l. and 60 l. per ann. is made and appointed for the minister of the new church at Limehouse.

St. Nicholas, Deptford.

and 70 l. a year payable by churchwardens, &c. is ordered for the minister of the new parish church

of

of St. Nicholas Debiford, in the counties of Kent and Surrey.

The Stat. 6 Geo. 2. c. 8, was made for re. St. George building the church of St. George the martyr, in the martyr, the borough of Southwark, as one of the fifty new 6 Geo. 2. churches, appointing 6000 l. for that purpose,

And the 6 Geo. 2. c. 21. provides a mainte-Old Street nance for the rector of the new church near Old-church.

freet, in the parish of St. Giles Cripplegate, viz.

3500 l. to be laid out on lands, and 120 l. per annum, &c.

The 8 Geo. 2. c. 27. was enacted for rebuilding Shoreditch Shoreditch church in the county of Middlefex; and church. 8 Geo. 2. the trustees may affes all lands, tenements, &c. not above 1 s. in the pound, and receive certain rates for burials, &c. also may grant annuities to raise money not exceeding 8000 l.

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&c. urch And the Stat. 10 Geo. 2. c. 18. enacts, That St. Olave. the parish church of St. Olave in the city of Lon- 10 Geo. 2. don and borough of Southwark, shall be pulled down and rebuilt, by trustees, &c. The sum of Money, bow 5000 l. may be raised for that purpose; and rates to be raised, made of 6 d. per pound, on lands, houses, &c. rates and butle fees for ringing the bell, and use of palls at sunerals, are appointed; and no person shall bring into the church or burying grounds, any pall, unless he has paid such fees.

The 11 Geo. 2. c. 13. was made for taking Rotherhith down and rebuilding the church steeple, and en-church. larging the church of St. Mary Rotherhith, and 11 Geo. 2. purchasing an additional burial ground; for which 2000 1. to be raised by the trustees, on security of the rates.

By the 12 Geo. 2. c. 7. Trustees to finish the Ealing parish church of Ealing in the county of Middle shurch. fex; who are empowered to raise 1500 l. for that 12 Geo. 2. purpose; and to grant annuities and make affest ments on lands, not exceeding 6 d. per pound, &c.

O And

Churchwardens and

St. Catherine Fenchu:ch Street. 12 Geo. 2.

And by 12 Geo. 2. c. 17. The parishioners are Coleman'sin enabled to rebuild the church of St. Catharine Coleman in Fenchurch Street in the city of London. and trustees may raise money not exceeding 2700/ and make rates of 1 s. 6 d. per pound on lands and tenements.

St. Botolph without Aldgate. 14 G. 2. See 26 Geo. 2. infra.

By 14 Geo. 2. c. 27. Parishioners of St. Botolph without Aldgate, London, are enabled to rebuild the church of that parish: The trustees to make affessments on all lands and houses, of 6 d. per pound: And 6000 1. is to be raifed, and thereout annuities to be granted at 8 1. 10 s per cent. &c.

Bethnal Green in Stepney parish. 16 Geo. 2. 19 Geo. 2. c. 15.

By the 16 Geo. 2. c. 28. The hamlet of Bethnal Green, in the parish of Stepney, in the county of Middlesex, is made a separate parish, and a church to be built there, &c. Trustees may raise 5000 1. for this purpose, and make affessments not exceed. ing 1 s. in the pound, &c. And the churchwardens out of the parish dues payable to them, are to pay the rector 130 l. per annum.

St. Margaret's church in King's Lynn. Norfoik. 18 Geo. 2. c. 3.

By 18 Geo. 2. c. 3. Trustees are empowered to rebuild the parish church of St. Margaret within the borough of King's Lynn, in the county of Norfolk; and to raise 3500 l. for defraying the expences thereof. Sect. 1.

The rates and affessments to be vested in the trustees, who may levy the same by distress and fale. S.A. 2.

Persons aggrieved, &c. may appeal to the trustees, whose determination shall be final.

Parishioners to nominate 18 persons yearly, of whom the trustees to appoint q to be collectors, etc. feet. 4.

Collectors to pay the monies to the treasurer, and to enter the same in a book, accounting on oath. feet. 5.

. Collectors refusing to account to be imprisoned, and their goods. etc. fold, in case of arrears the fame to be affessed. Penalty of 10 1. on a collector refuling to act, and another to be chosen in his Treefurer flead. Jeat, 6.

Treasurer to give security to the trustees Sect. 7.

Any person may advance money to the trustees for the purchase of an annuity for life, not exceeding 8 l. per cent. per. annum, nor the whole to exceed 280 l. per ann. S.A. 8.

Books to be kept for that purpose, and register

for them. Seet. 9.

Such annuities payable out of the rates herein after mentioned, and exempt from all taxes, &c. Sec. 10.

Purchasers to have receipts from the trustees, and an order for their annuities. Sea. 13.

Which may be assigned, entry whereof to be

made gratis. Sea. 12.

Trustees may make an affessment not exceeding 15. 6 d. in the pound, &c. to be collected quarterly, and paid one half by the landlord, the other by the tenant. Sect. 13.

How to be charged and leviel. Sea. 14.

Annuities to be paid out of the affessments.

No person intitled to a settlement in the parish by payment of these rates only. Sect. 16.

Treasurer to give security to the trustees. Sect. 17. Trustees being reduced to 13 to be supplied by the remaining. Sect. 18.

Their qualifications. Sed. 19.

Annuitants not appearing personally, to be certified living. Sea. 20,

Rates to lessen or cease in proportion to the

annuities. Seet. 21.

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his res Trastees may sell the materials of the said church, for the purposes of this act. Sea. 22.

All proceedings, &. with workmen to be entered in a book. Sea. 23.

Which may be inspected by any person paying rates. Sed. 24.

Pews, &c. vested in the trustees for the benefit of the parishioners. f.a. 25.

Truftees,

Churchwardens and

Truftees meetings. feat. 26.

Constables, &c. to aid in executing this act.

Limitations of actions, general issues, treble costs. 162 28.

This to be deemed a publick act. feet. 29.

Wednesfield Chapel near Wolver-hampton, Stafford-fhire. 20 Geo. 2. c. 27. See 28 G. 2. 4.34.9.162,

By 20 Geo. 2. c. 27. Trustees empowered to erect in the parish of Wolverbampton, in the county of Stafford, a chapel upon Wednessfield Green, and to set up pews, & c. therein, and inclose ground for a cemetary, and to carry materials for the work over Wednessfield Green. Sett. 1.

The chapel to be confecrated, and to be a perpetual cure; nomination of the minister in whom lodged, the rights and privileges of the minister. fest. 2.

The right of presentation in whom vested.

Trustees to meet and make assignment of pews to the subscribers, feet. 4.

Pews vetted in the chaplain, S.a. 5.

Property of the pews affigned, vested in the subfcribers and their heirs, Sc. 168 6.

Chaplain may lease the pews belonging to him under certain conditions and restrictions; conditions imposed on the lesse. Sect. 7.

On the death of the leffee, the chaplain to confirm to the executors the remainder of the term, fist. 8.

The title of lapse, in whom vested, & c. sea. 9. Nomination to be good, where no advantage is taken of the lapse. sea. 10.

Proprietors of pews to choose chapelwardens, their power. fed. 11.

The dean of Wolverhampton to be ordinary of the chapel. fest. 12.

Cases wherein new trustees are to be chosen.

Limitation of the powers and rights of this act. f.a. 14. This to be deemed a publick act. fia.

15. By 20 Geo 2, c. 33. trustees may purchase three St. Andrew acres of ground for an additional burying ground, Holborn, for the parish of St. Andrew, Holborn, in the city Burying of London, and county of Middlesex, and inclose ground. the fame. feet. 1.

Trustees empowered to make assessments to de- a 33. fray the charges thereof; affeffments not to exceed: 6 d. in the pound in any one year. Trustees to nominate collectors. feet. 2.

Collectors of the land tax to produce their afsessiments to the trustees, collectors may inspect the land tax rates, and take copies thereof. feel. 3.

The whole rate to be charged on houses let in different apartments, on non-payment, the rates to be levied on any of the inhabitants. f. a. 4.

No person to gain a settlement by payment of

this rate. Sect. 5.

Affestments vested in the trustees; charges of this act to be first paid; rate may be levied by distress and fale. Seat. 5.

Collectors to pay over the monies to the receiver. Receiver to give security; collectors to enter in a book all monies received, and to account upon oath. Sea. 6.

Collectors not making account and payment, to be committed, persons chose collectors, refusing to ferve, to pay 10 l. and others to be chosen in their 100m. Sect. 7.

Collectors exempted from ferving as scavengers. See 8.

Contributors may advance 2000 l. on annuities for lives at 9 l. per cent. annuities not to exceed in the whole 180 l. per ann. Sect. 9.

Book to kept for entering the names of, and fums paid by the purchasers, &c. Book to be inspected gratis. Seat 10.

Annuities to be paid out of the rate. Annui-0 3 1:08: ties to be for the life of the person nominated, and not to be taxable. Sea. 11.

Receipts to be given to the contributors, and orders figned by the trustees for payment of the annuities. Sea. 12.

Annuities made affignable, entries to be made

thereof gratis. Sect. 13.

Assessments made chargeable with the annuities, and in desault of payment to vest in the annuitants, &c. fect. 14.

New trustees when to be elected. feet. 15. Persons disqualified from being Trustees. feet.

Commencement and continuance of the rates.

Trustees to fell the materials of buildings stand-

ing on the ground purchased. fect. 18.

Receipts, disbursements, and contracts, &c. to be entered in a book; purchase money, &c. to be paid out of the rates. sect. 19.

Books of accounts to be open to persons paying

the rates. fect. 20.

Trustees to defray their own charges. fect. 21. The rights, &c. of the rector, &c. reserved.

The ground purchased to be incorporated with

the parifh, &c. fect. 23.

Limitations of actions, general issue, treble costs. feet. 24. This to be deemed a publick

act. fect. 25.

By 21 Geo. 2. c. 24. The fite and description of a parcel of ground vested in trustees for the building of a new church in the town of Liverpool, in the county Palatine of Lancoster. The church to be consecrated. Sect. 1.

Trustees empowered to build the new church, an open passage to be lest on the north and south sides of the church. Pews, &c. to be made; expences not to exceed the subscriptions. feet. 22.

Truftees

Liverpool. Church in Lancaster. 21 Geo. 2. Trustees to meet and receive proposals, and contract for the building; contracts to be entered in a book; surveyor to be appointed with a salary; treasurer to be appointed. Ject. 3.

Times and manner of paying the subscriptions.

fect. 4.

Subscribers not making payment to be sued, fect. 5.

Pews to be numbered. fect. 6.

Subscribers to appoint three persons to fix the rent of the pews, the whole of the rents not to exceed 180 %, nor to be less than 150 %, the rents to be entered in a book. Sect. 7.

The choice of feats or pews fettled. § 8. Equal subscribers to take by ballot. § 9.

Subscribers refusing to hold the pews at the rents fixt, to forfeit their claims, the seats to be let to other persons. § 10.

Seats vested in the subscribers after allotment, and may be disposed of to inhabitants only.

\$ 10.

Rents of the feats to be paid half yearly; in case of non payment, the same to be sued for. Sect. 11.

Supernumerary feats to be let by the church-wardens. Sect. 12.

Regulations where the number of subscribers exceed the number of pews. Sect. 13.

Two churchwardens to be chosen annually, who are to collect the rents and pay falaries, &c., Sect. 14.

Power and business of the churchwardens, &c.

Mr. Martin's appointment and falary. Salary of succeeding ministers. Se. t. 16.

Surplusage of the rents after payment of the

falaries, how to be applied. Sect. 17.

On the death or refignation of Mr. Martin before the church is confectated; subscribers to nominate another minister. Sect. 18.

Ministers.

Churchwardens and

Ministers of the new church to collect the feesarising therein belonging to the rectors, and to account with them half yearly for the same. feet. 19.

Subscribers empowered to buy ground for a ce-

metery. fect. 20.

The advowson and right of presentation vested in the corporation. Sect. 21.

Clerks and fextons, and falaries for them, to be

appointed by the subscribers. Sect. 22.

The rights of the rectors of Liverpool parish re-

ferved to them. Sect 23.

Treasurer to keep accounts of the monies received and disbursed, and to enter them in a book. Sect. 24.

Treasurer to account upon oath, and pay over the balance, and in default thereof, to be com-

mitted. Sect. 25.

If by death or resusal to act, the trustees shall be reduced to seven, new trustees to be elected. Sect. 26.

The church to be kept in repair by the corpo-

ration. Sect. 27.

Regulations concerning the repairs of the church, the facramental bread and wine to be provided at the parish expences, churchwardens to pay for the same out of the church rates. Sect 28.

No corpse to be buried within the church.

Sect 29.

The church and minister subject to the bishop of Chister's jurisdiction. Sect 30.

Commissioners appointed to be chosen annually.

Sect. 31.

Inhabitants paying to the poor rates, empowered to meet and choose annually 18 parishioners, to be joined with the mayor, recorder and justices; in case of death or removal, &c. of any of them, new ones to be chosen. Sect. 32.

The

The commissioners empowered to meet to put, this act in execution. S. et. 33.

The inhabitants refusing to elect commissioners, the mayor recorder and justices to put this act in execution; and if they refuse, the inhabitants are

to proceed in it. Sect. 34.

By 23 Geo. 2. c. 36. 125 l. to be raised by a Retter of Sepound rate for the maintenance of the rector of George the parish of St. George the martyr, in the borough 23 Geo. 2. of Southwark, in the county of Surrey, and his c. 36. successors, in lieu of tithes. Penalty of neglecting to make such assessment, and method of recovering thereof. Sect. 1.

The affessments to be confirmed by two justices; collectors to be appointed, who are to pay the rector quarterly; is, in the pound allowed them for collecting; collectors refusing to act, forseit 20%.

Sect. 2.

Method of levying the rates where any person

shall resuse payment. Sect. 3.

Marshal of the king's bench not to be rated at more than 21, 15 s, nor the keeper of the marshalsea at more than 40 s. Sect. 4.

None to gain a settlement by payment of the

rates. Sect. 5.

Collectors to make up accounts and payments,

on penalty of being committed. Sect. 6.

Persons aggrieved may appeal to the quarter-sessions, notice of appeal to be given, recognizance to be entered into, proceedings not to be removed by Certiorari, ect. 7.

The faid fum of 125/. to be in lieu of tithes.

Sect. 8.

Chargeable only with payment of the land tax... Right to surplice fees reserved. Sect. 9.

And to the freehold of the church, pews, and

vaults, &c. Sect. 10.

Limitation of actions, general issue, treble costs, Sect. 11. This to be deemed a publick act. Sect.

By 24 Geo. 2. c. 15. Trustees empowered to pull down the old church and steeple of St. Mary, Islington, in the county of Middlesex, and to rebuild the same. Sect. 1.

Funeral rates appropriated for defraying the ex-

pences thereof. Sect. 2.

And the rates for bells and palls. Sect. 3.

The churchwardens to provide two palls, none other to be used without paying the rates. Sect. 4.

The rates and duties vested in the trustees, and may be levied by distress and sale. Sect. 5.

Parishioners within two months after passing this act, to nominate six inhabitants, out of whom the trustees to choose two to be collectors of the rates. Annual elections to be of like officers in Easter week; collectors to account and pay the monies in their hands over to the trustees. Persons elected and refusing to serve, to forreit 10 l. and others to be chosen in their room. Sect. 6.

Collectors for making account and payment,

may be committed. Se.t. 7.

7000 l. may be raised by annuities for life at 8 l. per cent. per annum. Annuities not to exceed 500 l. per ann. and to be paid by the trustees. Annuities to be fold to the best bidder. Sect. 8.

Contributors names to be entered in a book, and

the fums paid by them, &c. Sect. 9.

Annuities charged upon the rates. Contributors intitled to annuities for life, which are to be tax free. Sect. 10.

Contributors to have receipts, and an order for payment of their annuities. Sect 11.

Annuities may be transferred Entry to be

made thereof. Sect. 12.

Deficiency of the fund to be made good by a pound rate. Trustees to order the assessment and collection thereof, which is to be paid, two thirds by the landlord, and the other third by the tenants. Sect. 13.

House chargeable with the whole rate, where it is let out to separate inmates. Sect. 14.

No person to gain a settlement by payment of

thefe rates. Sect. 15.

Collectors may inspect the land tax books gratis, and take copies thereof, paying for the same. Sect. 15.

Trustees when reduced to less than 40, others

to be chosen. Sect. 16.

Trustees undertaking of the building or contracts, on not paying for 20 1. a year, disqualified to act. Sect. 17.

Commencement and continuance of the rates.

Sect. 18.

Trustees may sell the materials of the old church, and exect a tabernacle, and sell the materials there-of when the new church is built. Sect. 19.

All receipts, payments and contracts, &c. to be

entered in a book, &c. Sect. 20.

Which may be inspected by any person paying

to the rates. Sect. 21.

Trustees to defray their own expences, and to give publick notice of their meetings. Sect, 22.

Rights of the vicar referved. Sect. 23.

Grave stones, monuments, and vaults, reserved.

Sect. 24.

Limitation of actions, general issue, treble costs. Sect. 25. This to be deemed a publick act. Sect. 26.

By 24 Geo. 2. c. 37. Time and place of com-St. Philip missioners meeting for dividing the parish of St. and St. Jacob Philip and Jacob, in the county of Gloucester and Bristol. in the city and county of Bristol, and for erect-24 Geo. 2. ing a church in the new intended parish. Notice 6. 37. to be given of future meetings. Treasurer to be elected. Application of the monies. Sect. 1.

Commissioners to defray their own charges.

Sect. 2.

Money for the augmentation of the vicarage, to be paid when the church is built and confecrated. Sect. 3.

Entries

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Entries to be made of the meetings, and orders of the commissioners and books of account of their receipts and disbursements to be kept. Sect. 4.

Thomas Chefter empowered to grant a piece of

ground to the vicar. Sect. 5.

The district before described erected into a dis-

tinct parish. fect. 6.

The church to be called by the name of St. George; freehold vested in the vicar: Wm. Cary appointed vicar. Sect. 7.

Corporation declared patrons of the faid vicarage. Laple of presentation after 6 months va-

cancy. Sect. 8.

Service in the church of England to be performed in the new church. Residence of the vicar.

Gr. Sect. 9.

After the next vacancy of the vicarage of St. Philip and St. Jacob, the inhabitants of the new parish discharged from paying tithes, &c. to the subsequent vicar, &c. Sect. 10.

The present clerk and sexton of St. Philip and St. Jacob, during their continuance, to receive their sees of office from the inhabitants of the new pa-

rift. Sect. 11.

After the next vacancies, fees to be paid to the clerk and fexton of the new parish; vicar to choose the clerk, and the vestry the sexton. Sect. 12.

Inhabitants of the new parish to resort for all offices to the parish church of St. Philip and St. Faceb, till the new church be built. Sect. 13.

All rates, except church rates, to be rated on the inhabitants of both parishes jointly; work-house to be for the joint use of both parishes, &c.

Sect : 14.

Vestrymen appointed; two churchwardens and an overseer of the poor to be elected; power given to the vestry to make church rates, &c. churchwardens may sue for the rates. Sect. 15.

Poor of both parishes to have a like share of

the benefactions. Sect. 16.

Twe

Two petty constables to be appointed. Sca. 17. Limitation of the powers of this act; the church, &c. to be under the jurisdiction of the archbishop of Canterbury, bishop of Bristol and archdeacon of Gloucester. Sea. 18.

Rights of the crown referved. S.A. 19.

This to be deemed a publick act; limitations of

actions, general iffues, treble cofts. Sed. 20.

By 26 Geo. 2. c. 38. Trustees to cause the Stone church old church of Stone, in the county of Stafford, shire. 26 to be pulled down and a new one to be erected. Geo. 2. c. Sect. 1.

Trustees appointed. Rates and duties vested in

the truftees. Sect. 2.

Trustees make an affessment; parishioners to nominate eight inhabitants, out of which trustees to choose four to be collectors; annual election to be of like officers in Whitsun-week. Sect. 3.

Landlords of premisses let on rack rents, to bear the whole rates, except what usually paid for the repairs of the old church. Sect. 4.

How the rates are to be apportioned, where

there are beneficial leases. Sett. 5.

Tenants to pay the whole affessment, and deduct the landlord's part out of the rent. Sect. 6.

Differences between landlord and tenant to be determined by the truffees. Sca. 7.

How affestments are to be made. Distress on

non-payment. Seat. 8.

Differences relating to distresses, to be finally determined by the trustees. Sca. 9.

Penalty on collectors refusing to act. Sect. 10.
To account and pay over the money collected,

Not making accounts and payments, to be committed. Sect. 12.

Payments of affessments, not to intitle any person to a settlement. Sect. 13.

Trustees may assign the rates, and borrow money not exceeding 2000 l. Sell. 14.

Commence-

Commencement and continuance of the affestment. Sea. 15.

When trustees shall be reduced to twenty, new

ones to be chosen. Sea. 16.

Trustees undertaking any part of the building, or not paying for 100 l. per ann. disqualified, Stat. 17.

Trustees may dispose of the materials of the

old church, and erect a tabernacle. Seat. 18.

Trustees to appoint a feat for the curate, and fell the remaining pews in the new erected church, Sect. 19.

Persons paying most rates, to have preference

in buying. Seat. 20.

Pews fold to persons not being inhabitants or

owners of lands, to be void. Seef. 21.

Trustees empowered to purchase contiguous ground for building the church or enlarging the church-yard, Sea. 22.

All receipts, payments and contracts, to be entered in a book, &c. Money how to be applied; books of account may be inspected by any person paying rates. Sect. 23.

Trustees to defray their own expences; first meeting appointed, publick notice to be given of

subsequent meetings, Seet. 24.

No burials within the new church. Sed. 25.

Limitation of actions, general issue, treble costs. Sect. 26. This to be deemed a publick act.

Sect. 27.

Manchester church in Lincaster. 26 Geo. 2.

By 25 Geo. 2. c. 45. The warden and fe'lows of the college of Christ in Manchester, may allot the ground for a site of a church and church-yard, and build a church thereon, within the town of Manchester in the county Palatine of Lancaster, and set up pews or seats therein. Sett. 1.

Pews to be numbered; the wardens and fellows, to fix the rent of pews, and may fell the feats

subject to the rents. Sect. 2.

Sale to be to inhabitants only. Seel. 3.

Rents

Rents to be paid half yearly; in case of non-

payment to be sued for. Seat 4.

Churchwardens to collect the rents, thereout to pay minister, clerk, and sexton, &c. Churchwardens to keep account of their respective payments. Sect. 5.

Warden and fellows may raise money not exceeding two thousand and five hundred pounds in the whole, by mortgage of the church lands: Money borrowed how to be applied. Sea. 6.

The lender not obliged to fee the application.

Set 7.

Money raised by sale of pews, to be applied in

discharge of the money borrowed. Sect. 8.

Warden and fellows to keep accounts of their receipts and payments, for the inspection of trustees.

Advowson in the warden and fellows; the incumbent to be incorporated by the name of Rector of St. Mary's church in Manchester; freehold of the church in the incumbent. Sect. 10.

Incumbent having or accepting any other be-

nefice, this church to be void. Sect. II.

Churchwardens to pay the minister one hunded pounds yearly. Sea. 12.

Minister may sue for his falary in arrear.

Sect. 13.

Succeeding churchwardens liable to pay arrears:

Sect. 14.

Fees for weddings, churchings and burials, to be collected by the minister, and one half thereof to be paid to the chaplains, &c. of the collegiate church. Sect. 15.

No corps to be buried in the church; christenings, &c. to be registered at the parish church.

Sect. 16.

Churchwardens to be chose yearly in Easter week, and their office to collect the rents of the seats, and pay salaries, &c. Sect. 17.

Churchwardens and

To keep account of receipts and payments. fed. 18.

Surplus money to be applied in ornaments.

On death, &c. of trustees, others to be chosen, sea. 20.

The minister to appoint clerks and sextons;

the clerk and fexton's stipends. feet. 21.

The warden and fellows to repair the church, and the freehold of the church-yard to be velled in the m. fell. 22.

Repairs not to be made till application be made

by the churchwardens. fed. 23.

Power to pull down an house, in order to lay open a way to the church. set. 24.

Power to grant roads; power to grant leafes for 40 years. fed. 25.

With covenant to oblige themselves and successors to renew such leases. sea. 26.

Limitation of actions; general issue; costs of suit. sect. 27.

To be deemed a publick act. feet. 28.

Portsea chapel in Southampton. 26 Geo. 2. c. 58.

By 26 Geo. 2. c. 58. Ground for building a chapel on the common in the parish of Portsea in the county of Southampton, vested in trustees. sea. 1.

Trustees for building the chapel and other pur-

poles of this act. fell. 2.

Meetings of the trustees to receive proposals, and make contracts for building the chapel; notice to be given of the time for receiving proposals, &c. surveyor to be appointed, and also a collector. sec. 3.

Subscriptions to be paid in manner, and at the

times herein mentioned. feet. 4.

Treasurers may sue the subscribers for default of

payment. fett. 5.

Plan and draught to be made of the feats and pews, with the price agreed to be subscribed, to be entered

entered in the same book; pews vested in the proprietors. sed. 6.

The pews to be disposed of to the inhabitants of Portsea only, and to be numbered. sea. 7.

Seats for which less than 20 l. shall be paid, not to have more than one proprietor, and above that sum not more than two; entry to be made of the sale of pews, and memorandum thereof to be indorsed by the commissioners on the back of the deed. see 8.

Book with the contracts and entries, to be admitted as evidence of the rights of persons claiming pews. fed. 9.

Proprietor losing the conveyance of his pew, commissioners may sign a new grant. Jeal. 10.

Rents of the pews to be ascertained by the original price paid for the same, after the rate of d in the pound sed. 11.

Subscribers refusing to hold a pew at such rent, the commissioners may dispose thereof fed. 12.

Rents to be paid quarterly; and in default of payment, the pews may be disposed of, or the arrears sued for, with treble costs. feet. 13.

Commissioners may dispose of seats unsubscribed for. sect. 14.

Two collectors to be chosen annually; penalty of not serving the said office. sed. 15.

Duty and office of collectors. fea. 16.

Proprietors to keep the chapel in repair. fed.

But not rebuild the same in case it should be destroyed. sea. 18.

And the collectors first to apply to the trustees, and a report of the necessary repairs to be made and confirmed. seet. 19.

Rates to be made for the repairs; non-payment of the rates; the collectors may enter on, and dispose of the pews or sue the proprietors; treble costs. fea. 20.

Nomi-

Nomination of a minister or curate of the chapel vested in the vicar of Portsea. Sect. 21.

Vicar neglecting to prefent, and nomination to lapfe to the proprietors of the feats. fed. 22.

Forty pounds fer ann. to be paid to the mi-

nifter quarterly. fett. 23.

Proprietors to appoint a clerk, who may be removed for misbehaviour; 5 l. per ann. allowed him. sea. 24.

Ecclesiastical rights and dues of the vicar of

Portsea not to be prejudiced. sea. 25.

No corps to be buried in the chapel, or the ground inclosing the same; no marriages, christenings, or churching of women to be performed therein. set. 26.

In case of non-residence of the chaplain, other preferment, or neglect of duty, the curacy declared to be vacant, and another minister to be appointed.

S.A. 27.

But in no other case is the chaplain liable to be removed; chaplain's duty to read prayers and preach. sed. 28.

Keys, furniture, and books of the chapel to be

kept by the collectors. fed. 29.

Treasurer and collectors to keep an account of the monies received and disbursed; the same to be liable to the inspection of the subscribers. sea. 30.

And to account upon oath, if required; on their neglect or refusal to make such accounts and payments, they are to be committed. Jed. 31.

Surplusage money after payment of the salaries, how to be applied. Jed. 32.

Donations, gifts, and legacies to be disposed of according to the intention of the donor. feel. 33.

Trustees empowered to take other lands in perpetuity, and to enlarge the chapel, and to make additions and other ornaments and conveniencies thereto. Jell 34.

Election of new truffees in the room of fuch as

thall die, remove, or refuse to act. Jed. 35.

Chapel

Chapel and chaplain to be licensed, and subject to the jurisdiction of the bishop of Winchester. sect. 36.

To be deemed a publick act. fedt. 37.

By 26 Geo. 2. c. 94. Trustees to meet on three Botolph days notice, and cause the church and steeple of without Althe parish of St. Botolph without Aldersgate to be designate. 26 Geo. 2. repaired. see. 1.

The sum of 1500 l. to be raised by annuities at 14 Geo. 2. 8 l. per cent. annuities not to exceed 120 l. per supra.p. 144.

ann. to be paid half yearly. feet. 3.

Contributors names, and the sum paid in, &c. to be entered in books. sed. 4.

Annuities to be paid during the life of the per-

fon nominated, and to be tax free. fett. 5.

Receipts to be given to contributors for the money paid in by them, and an order for the payment of the annuities. I.A. 6.

Annuities may be affigned toties quoties; memorandum to be made of such assignments. feet. 7.

Rates to be made on lands and houses, not exceeding 6 d. in the pound, as rated by the land-tax; two thirds of the rates to be paid by the landlord, and the other third by the tenant. Ica. 8.

Collectors upon paying in the rates to be al-

lowed 3 d. in the pound. feet. 9.

Tenants occupying houses under 101. and not paying to the poors rates, nor the proprietors of empty houses to be affessed to this act. sed. 10.

Houses let to different families, &c. to be charged with the whole rate, &c. sea. 11.

None intitled to a settlement in the parish by

payment of thefe rates. fed. 12.

Collectors may inspect and take copies of the land-tax books, to ascertain the rates which may be levied by distress and sale. feet. 13.

Collectors to be appointed, who may be removed; rates to be paid to the collectors, who are to account annually, and to pay over the monies received quarterly to the truffees fed. 14.

And in default thereof, the justices at the quarter-fessions, &c. may inquire into the same, and commit the offender. feat. 15.

When the trustees shall be reduced to 27, others.

to be chosen, feat. 16.

Trustees interested in any part of the undertaking, disqualified from acting. feat. 17.

Rates to continue while the annuities shall exist,

fet. 18.

All receipts, payments and contracts, &c. to be entered in a book; rates appropriated to payment of the work; trustees to make up an account yearly of the monics received and expended. hat. 19.

Persons paying to the rates may inspect the

books of account. feet. 20.

Damages done to private houses in repairing the church to be made good, feet. 21.

Grave stones, monuments, and vaults, &c. to

be preserved. sell. 22.

No private right altered by this act. feel. 23. Limitations of actions; general iffue; treble colts, fett 24.

To be deemed a publick act feet. 25.

By 28 Geo. 2. c. 34. Roads to be fet out lead. ing to the chapel of Wolverhampton in Staffordshire; the same velled in the trustees; 101, per ann. 10 be allowed the lessee of the prebend land. Jell.

Chapel to be built, and pews, &c. erected; the chapel-yard to be inclosed, and the feveral roads leading thereto; expences not to exceed the lum

Subscribed. feet. 3.

First and other meetings of the trustees, they may receive proposals, and contract for building, Esc. the chapel; notice to be given of receiving proposals; contracts, and other proceedings to be

entered

Wolverhampton shapel in Staffordfhire. Sce 20 G. 2. C. 27 p. 146.

entered in a book; furveyor, &c. to be employed,

with a falary. feet 4 ..

Chapel to be consecrated; the same to be a perpetual cure; right of patronage; chaplain incorporated, and the chapel, &c. vested in him; he may take, &c. lands of rool yearly value in perpetuity. sea. 5.

Perpetual advowson vested in the Earl of Stam-

ford. fect. 6.

Chaplain to take on him cure of fouls; extent of

s cure. fca. 7.

The same not to be deemed a new parish, nor parochial or other assessments to be affected there-

by ; chaplain's duty. Jeat. 8.

If the subscription for the monthly early sacrament at the church be applied towards building the chapel, early sacrament to be administered therein once a month. Seet. 9.

Chapelwardens to be elected annually; their

power to make rates, &c. fect. 10.

Treasurers for receiving subscriptions; books of

accounts to be kept. feat. 11.

Freehold of the chapel, &c. vested in the chaplain; if he absent himself, or neglect to supply the cure thereof, cure deemed vacant, and may be filled up by the patron. Jett. 12.

Property of the pews vefted in the chapel.

fect. 13.

Pews to be numbered and entered in a book, with the rents thereof; pews may be re-entered on for arrears of rent, which may be sued for or levied by distress and sale. sect. 14.

Whole rent not to exceed 200 l. nor to be less than 130 l. per ann. clerk to be paid 10 l. thereout; subscribers to have the preference. feet. 15.

Chaplain demanding greater rent, disabled to hold the cure, and the patron to present another. Ject. 16.

Churchwardens and

Sacrift, &c. of the church, incapable of holding the cure of the chapel at the same time, fect. 17?

Organ may be fet up, and organist appointed,

with a falary. fect. 18.

Power of removing or discontinuing organist.

feit. 19.

Vaults may be built in the chapel; application of the money arising by the fale thereof. feet.

No vaults, &c. to be appropriated in the ce-

metery. fect. 21.

Regulations concerning the burying of corpses, feet, 22.

Corpse to be buried for the customary fees.

Sect. 23.

Fees for marriages, churchings, and burials; accustomary fees to the mother church to be paid thereout, and may be sued for; christenings, marriages, and burials to be registered. fecs. 24.

Refervation of rights. fect. 25.

New trustees to be elected in the room of such as shall die, &c. notice of election to be given.

fect. 26

Trustees to be elected out of the subscribers, if there be any, or inhabitants of Wolverhampton; subscription money how to be recovered. Ject. 27.

On non-compliance with order of the justices,

may be levied by distress and sale. fect. 28.

Persons aggrieved may appeal to the quarterfessions; notice of appeal to be given, and recognizance to be entered into. fect. 29.

Orders not to be quashed for want of form,

nor removable by certiorari. fect. 30.

Limitation of actions; general issue; treble costs. fect, 31.

To be deemed a publick act. fect. 32.

By 28 Geo. 2. c. 56. The inhabitants of the Holy Triniparish of the Holy Trinity in Guilaford in the ty church in County of Surry, to meet and elect five trustees. Surry. Sect. 1.

The houses, lands, and rents before mentioned c. 56, vested in the said trustees, in order to be sold.

Sect. 2

Monies arifing by the sale to be applied in building the church; trustees to account half yearly; accounts to be lodged with the churchwardens; inhabitants receipt to be a discharge to trustees; surplus monies to be put out at interest, and applied in future repairs. Sect. 3.

Three surviving trustees may execute the trust; if reduced to a less number, inhabitants to choose

new truftees. Sect. 4.

Hammond's monument to be replaced, and kept in repair. Sect. 5.

Other monuments to be also replaced. Sect. 6. Expences of this act to be paid out of the sist

monies. Sect. 7.

Accountant general of the court of chancery to pay the sums devised by the will of Timothy Wilfon, and upon payment thereof, and 100%. by Thomas and John Allen, the corporation and trustees to convey the freehold, &c. rent reserved for the benefit of the grammar school. Sect. 8.

After conveyances executed, no suit may be prosecuted for recovery of the freehold, &c. by the corporation, except for non-payment of rent

to the grammar school. Sect. 9.

Refervation of rights. Sect 10.

This to be deemed a publick act. Sect. 11.

By 29 Geo. 2. c. 42. Ground to be taken in St. Mary and annexed to the church yard of the parish of St. Newington Mary, Newington Butts, in the county of Surry. Butts church-yord Sect. 1.

Annuity of 31. to be paid to the rector; in ^{in Surry}. confideration thereof, the fame to be allowed the c. 42. churchwardens in their accounts. Sect. 2.

The

The rector empowered to fue for and recover the faid annuities and arrears thereof, with full

costs of fuit. Sect. 3.

A rate of 6 d. in the pound to be raised for these purposes, and for defraying other expences attending the execution of this act; rate to be paid to the collector nominated by the trustees. Sect. 4:

Collectors of the land tax to attend on notice given them, and produce their afferfiments; collectors of this tax may inspect the same, in order to ascertain the rates to be hereby made, and take copies thereof. Sect. 5.

Where houses are occupied by distinct families, the rate may be levied on any of the inhabitants.

Sect. 6.

Trustees appointed to put this act in execution; power of the trustees; rates may be levied by distress and sale. Sect. 7.

Collector to pay over the rates to the receiver appointed by the truffees; receiver to give fecurity; collector to enter sums collected in a book,

and to account upon oath. Sect. 8.

Collectors not making account and payment as herein directed, upon conviction thereof before a justice, to be committed; persons chosen collectors resusing to all forseit to l. to be levied and applied as the rates are directed, and new collectors to be thereupon chosen, who are to be subject to like penalties and forseitures. Sect. 9.

Trustees empowered to borrow 160 l. for the purposes of this act; interest for the same to be paid out of the poors rates; lender to have an order for payment attested by the rector and churchwardens; the same to be affiguable. Sect.

10.

Rates charged with payment of the monies borrowed; on default of payment the rates to vest in the lender till the debt and costs be fully paid. Sect. 11.

Com-

Commencement and continuance of the rates. Sect. 12.

The accustomed dues to be paid for burials in the new ground. Sed. 13.

None to gain a fettlement by payment of these rates. Sec. 14.

Limitation of actions; general issue; treble costs. Sed. 15.

To be deemed a publick act. Sea 16.

Refervation of rights to the ground to be annexed to the church-yard. Sea. 17.

By 29 Geo. 2. c. 75. Trustees appointed who portland are to put this act in execution, and receive contri-church. butions. Sect. 1. 29 Geo. 2.

Trustees may pull down the old church in the . 75. island of Portland, and employ the materials for the new, or fell them. Sect. 2.

Trustees to contract with workmen to finish the new church, &c. Sect. 3.

Place where the cemetry shall be. Sect. 4.

The new church and cemetery shall be the parish church. Sect. 5.

Rector of the old church to be rector of the new one; glebes, tithes and other commodities secured to the incumbent. Sect. 6.

Parishioners in vestry to nominate eight inhabitants, out of which number trustees to nominate four to be assessing and collectors to make assessments; the proportions which the rates are to be charged; duplicates to be left with writees, to be confirmed by two justices. Sect. 7.

Affessors to inspect reve staffs; collections to be made quarterly. Sect. 8.

Assessments to be levied by distress and sale.

Tenants liable to pay, and landlords to allow it.

Houses let or occupied in different apartments, how to be assessed. Sect. 11.

Affessors within twenty days after the quarterday, to pay the money to their receiver. Sect. 12.

On questions arising about distress or assessment, to appeal to the quarter sessions. Sect. 13.

Trustees to make satisfaction to assessors and collectors. Sect. 14.

Payment of affessment not to intitle persons to a settlement. Sect. 15.

No more than a certain sum to be raised by the rates, &c. Sect. 16.

Provifo. Sect. 17.

Property of the church to be vested in trustees, till consecrated. Sect. 18.

Trastees may sell pews before built. Sect. 19.
Churchwardens to register appointments to seats.
Sect. 20.

On neglect of payment, contract to be void, and the sum advanced to be forfeited. Sect. 21.

Tonnage duty laid on stone, how to be applied. Seet, 22.

Trustees to appoint treasurers and receivers, who shall pay the money as ordered, taking receipts; receivers to account upon oath; penalty for not accounting; on persons refusing the office of assessment of distress to be directed to the churchwardens or constables, and new officers to be chosen thereupon. Sect. 23.

New truftees to be chosen. Sect. 24.

Trustees may erect a tabernacle. Sect. 25.

Rector to repair the chancel, and proprietors the pews. Sect. 25.

Trustees may assign over the tonnage duties and monies arising by the sale of pews, as a security for money to be borrowed by them, &c. Sect. 27.

Sum to be borrowed not to exceed 4000%.

When church is completed to be consecrated. Sect. 20.

Money vested in trustees. fe.t. 30.

Conti-

Continuance of the trustees powers; application of the furplus. Sect. 31.

Qualification of truftees. Sect. 32.

Undertaker not capable of being a collector.

Limitation of actions; general issue; treble costs.

Sect. 34.

To be deemed a publick act. Sect. 35.

By 29 Geo. 2. c. 89. When the number of St. John, trustees shall be reduced to 40 other additional was ping. church in Middlesex.

Qualification of trustees; persons employed or 29 Geo. 2. interested in any contract, not to act as trustees. c. 89.

Sect. 3.

Time and place of trustees meeting; in default of a sufficient number to act, clerk to give notice of a second meeting. Seer. 4.

Trustees to defray their own expences. Sect. 5. Not empowered to act, but at a meeting held pursuant to notice. Sect. 6.

The church of St. John, Wapping, in the county of Middlefix, to be rebuilt with a steeple. Sect. 7.

Trustees may purchase grounds, &c. for that purpose, and for enlarging the church-yard and ways thereto. Sect. 8.

After purchase, lands may be fenced in, and after confectation are to be deemed the church-yard. Sect. Q.

Bodies politick, &: may contract with the

truftees for the fale of lands. Sect. . O.

Persons neglecting to treat for the sale of such lands; trustees to issue their warrant to the sheriff for returning a jury; notice thereof to be given to the parties interested; jury may be challenged; jury to be sworn; witnesses to be summoned and examined upon oath; jury to view the places in question, &c. sheriffs fee, 21. 25. deputy sheriffs 11. 15 jurymen 55. each; trustees to give judgment thereupon; verdict of the jury to be binding and conclusive. Sect. 11.

Q 2

Traftees

Trustees may impose a fine on sheriff, &c making default; fine not to exceed 5 l. Seal. 12.

Money allowed for lands, &c. how to be charged and tendered after payment or deposit of the money; trustees may enter upon the premisses, &c. Sea. 13.

Before payment or deposit, trustees may only

furvey and mark out the ground. Sed. 14.

Trustees not to act where interested. S. A. 15.
Rates vested in trustees to enable them to make purchases, &c. for the purposes of this act; the same with the charges attending may be levied by distress and sale. Sect. 16.

Twelve inhabitants, not being quakers, to be annually chosen, out of whom two collectors of the rates are to be appointed; collectors to account quarterly, or oftener, if required, and pay over the monies in their hands to the trustees or their order; collectors refusing to act forseit 10 l. and new ones to be chosen thereupon. Sect. 17.

Justices may inquire into default of collectors refusing to make account and payment, and commit them till payment or composition be made. S.A.

18.

S'x thousand pounds may be advanced on the credit and for the purposes of this act, for the purchase of annuities at the rate of 81, per cent. the same to be paid within the parish quarterly. Sect. 19.

Sums and parties names to be entered in proper

books. Seet. 20.

Annuities charged upon the rates, and payable during the life of the person nominated, &c. annuities to be tax free. Sea. 21.

Order for payment of annuities to be granted on payment of the confideration-money. Sea. 22.

Annuities may be affigned toties quoties on making an entry thereof, otherwise such affignments are deemed ineffectual. Sect. 23.

Rates

Rates chargeable with payment of the annuities, on non-payment, rates to vell in the annuitants.

Sect. 24.

Trustees to make a rate, not exceeding 1 s. in the pound of the rent, as rated to the land tax; the same to be divided between landlord and tenant; tenant to pay the landlord's moiety, and deduct it out of the rent. Sect. 25.

Houses let out to different tenants, landlord lible to the whole rate, but the occupier is to pay and deduct the same out of the rent. Sect. 26.

Arrears to be paid to the collector for the preceding year; deficiency in one year's rate to be made good out of the next, and surplus to be carried to the next year's aid. fect. 27.

Monies lost by infolvency, &c. to be made

good by a re-affessmert. fect. 28.

Persons aggrieved by the rates, may appeal to

the general or quarter sessions. fect. 29.

Houses unoccupied not liable to pay. Sect. 30. No settlement gained by paying to these rates. Sect. 31.

Lind tax books may be inspected and copied,

in order to afcertain the rates, fect. 32.

Commencement and continuance of the rates; rates to be lessened as the annuities determine. feet. 33.

Materials of the old church may be used or sold; tabernacle or other place for worship to be provided till the church is built; materials thereof

may be afterwards fold. fect. 34.

Receipts, payments, debts, contracts, and other proceedings, to be entered in proper books; workmen to be paid out of the monies raised, S.ct. 35.

Books of account, &c. to be open for inspec-

tion. Sect. 36.

Grave stones, monuments, and vaults may be removed. Sect 37.

And replaced in the new church-yard. Sect. 38.

Q 3 Proportion

Proportion of burial ground, vaults, pews, and chancel in the new church referved to the incumbent. Sea. 39.

I.imitation of actions; treble costs, Sect. 40. This to be deemed a publick act. Sect. 41. St. Leonard's church, Bristol. See Stat. 6 Geo.

3. c. 34. f. 14.

Of Vestries and Vestrymen.

refiry, why

A vestry is the assembly of the whole parsh, fo called.

met together for the dispatch of the business of the parish; and this meeting being commonly held in the place for keeping the pricess vestments, adjoining or belonging to the church, it thence has

its name of veiltry.

How former- In former times, the bishops and beneficed priests by composed. fat together in vestries, to consult of the affairs of the church; in imitation of which, the minister, churchwardens, and chief men of parishes, do at

this day make a parish vestry.

Parishioners right to come to them.

Anciently every parishioner, who paid to the church rates, or scot and lot, had a right to come to these meetings; and when they who are thus qualified, are assembled at the time and place appointed, all that are absent shall be concluded by a majority of those who are present. But in large populous parishes, a custom has obtained of yearly chusing a certain number of the chiefest and most reputable men to represent all the rest, who are called a select westry.

Of select

But felect vestries having been thought oppressive and injurious in some parishes, the power of them hath been contested: And not long since the select vestries of St. Saviours and St. Olave, in Southwark were set aside and demolished; but the select vestry of St. Mary Hill in London, and of the parish of Massam in Yorkshire, on due proof of custom and usage, were allowed and confirmed in B. R. Mich. 2 W. & M. 2 Lutw. 1027.

In

In the election of vestrymen, those that do not How elected pay to the church rates have no vote; except the and their parson or vicar. When any rates are made, the thod of calparishioners must have notice of a vestry held for ling vestries. that purpole; and the Sunday before any veftry is to meet, this notice ought to be given, either in the church after divine service, or at the church door, both of the time and place of the assembling. and for what business; and it is usual for one of the church bells to be tolled half an hour before the vestry begins, and when the parishioners are met, the major part prefent conclude all the others; but to make their confent more authentic, it is neceffary that every foch act be entered by the veilry clerk in the parish book, and that every man confenting fet his hand thereto. 5 Rep. 66. Hetl. 61. Mod. 194, 236. 2 Mod. 222.

Action of the case lies against a vestry clerk, for Persons sout flutting a parishioner out of the vestry room, who out of a ve. hath a right to be present and vote in the vestry, fry, their at the making of rates, &c. for this action is his remedy. proper and only remedy; there being no breach of the peace, or damage to the publick, to have remedy by indictment or information, This was held by the court; though it was infifted, that the action would not lie, because it might encourage multiplicity of actions against one person for the same offence, and the plaintiff ought to set forth some particular damage done him.

But the plaintiff is to shew a legal or prescrip- A late case tive right in the parishioners to meet at a vestry; on this bead, and fet forth a right in himself to enter the room where the veftry was kept; for otherwise it may be the room of the defendant, where he hath no right to come. 8 Mod. 52, 351, 354. 2 Ld. Raym. 1388.

The statute made of Ann. c. 22. for building Clause in all the fifty new churches in London and Westminster, for building as I have before observed, ordains, that five or fifty new more of the commissioners shall have power with churches.

the confent of the ordinary, by writing under their hands and feals enrolled in Chancery, to make vestrymen for each new parish erected; and on the death of any vestryman, &c. the rest of them may chuse another out of the inhabitants and housholders of the parish.

Who make a vestry in Spital-Frlds

parifie.

By the flatute 2 Geo. 2. c. 10, made for the raising a maintenance for the rector of the new church built in Spital-Fields, it is enacted, that the rector of that church, and churchwardens and overfeers of the poor of that new parish, and all other persons who have served or paid fines for being excused from serving those offices, shall be the vestrymen for the time being, and meet on publick notice; and the faid vestrymen shall elect and nominate a lecturer, churchwardens, fidefmen, parish-clerk, and other officers of the church and parish, &c.

In the pariff Stepney.

By statute 2 Geo. 2, c. 30 for providing for the of Wapping- rector of Wapping Stepney new church, the rector, churchwardens and overfeers of the poor for the time being, and all others who shall pay two shillings a month or more towards the relief of the poor, and none other persons shall be vestry men of that new parish; and have the same power, &c. ut Supra.

In St. Nicholas Deptford parifb.

And by the statute 3 Geo. 2. c. 33. for raising a maintenance for the minister of the new parish church of St. Nicholas, Deptford, it is ordained, that the minister, churchwardens, overseers of the poor, and all other parishioners, who shall pay to the relief of the poor, shall be vestrymen of that new parish; and shall meet, and have the same powers, &'c. supra.

In other prrisbes.

And the like clauses are inserted in divers other statutes, concerning other new parish churches.

Veftries to make rates for engines, &cc.

The flatute 7 Ann. c. 17. enacts that the churchwardens, overfeers and principal inhabitants of parishes in a vestry, shall rate and assess competent sums for defraying the charge of engines, &c. in every parish within the bills of mortality.

And vestries of parishes are to be consulted by Houses kired churchwardens and overseers of the poor, and give for poor. their consent to the hiring of houses for the better employment and maintenance of the poor, by 9 Geo. c. 7.

Of the Vestry-clerk and beadle.

The vestry clerk is chosen by the vestry, and Business of acts as their register or secretary; and he has the clerk of the custody of all books and papers relating thereunto. vestry.

The beadle of a parish is also one chosen by the Office and vestry, whose business is to attend it; and generally duty of the to do and execute all the orders and business of the vestry and parish, as their messenger or servant; he is to assist the constables in taking up beggars, passing vagrants, &c. And when they are to be passed to a great distance, he is sometimes inserted among the overseers of the poor, &c.

And in London the beadles are affifting to the In London, constables and watch, in going the rounds at night,

and other bufinefs.

OVERSEERS

OFTHE

P O O R, &c.

Overfeers bow created.

HESE officers were created by the flatute 43 El. c. 2 (the first statute law made for relief of the poor) and they are called overseers, as they have the government of the poor.

Their num-

By that statute the churchwardens of every parish, and four, three or two substantial housholders there, as shall be thought meet, having respect to the proportion and greatness of the parish, are to be appointed overseers of the parish. And I apprehend that a greater number than four cannot be appointed, be the parish ever so large.

Manner of election.

They are usually nominated in Easter week, or within a month after, out of the substantial house-holders, by appointment under the hand and seal of two justices, residing in or near the parish or division where the parish lieth.

Defaults in ebusing.

MH MO

Justices of the peace neglecting to nominate overseers of the poor, and mayors, and head officers of the town or place where default shall happen, forfeit 5 1. to be employed towards the relief of the poor.

Thefe

These overseers are to meet once a month in To meet once their respective parish churches, to consider of pro- a months per methods for the relief of, and providing for the poor; and every one absenting himself from fuch monthly meeting, not being fick, or having fome just excuse to be allowed by two justices, is to forfeit 201 for every default.

Churchwardens shall like wife meet once a month Churchwarwith the overfeers of the poor, or they may be densthe same. punished for their neglects; by which it appears that they have an equal power and charge with

the overfeers.

Overfeers are to take care that the poor be fet at work, or relieved if not able, and to fettle them in their habitations.

Rut none are to be relieved, whose names are What poor not registered in a parish book, kept for that pur- persons to be pofe; unless by authority under the hand and feal relieved. of a justice, (on oath made of cause and refusal of relief by overfeers, &c. by o Geo. c. 7:) or in case of pestilential diseases, viz. the plague, or the small pox, in respect of their families only.

3 & 4 W. & M. c. 11.

Persons relieved must have, on the uppermost poor to wear garment, and upon the shoulder of the right sleeve, badges, &c. a large letter P: and the first letter of the parish; or o herwife one justice, upon complaint, may cause their allowance to be abridged or suspended, or may commit the offenders to the house of correction, not exceeding one and twenty days. 8 5 9 W 3. c. 30.

Officers relieving those who do not wear the Relieving badge forfeit 20 s. for every offence : one moiety contrary to

to the informer, the other to the poor.

There are reckoned three forts of poor people; Three forts of fuch as are poor by impotency, (which takes in poor the aged, decrepit, lame, blind, diffracted persons, infants, &c) fuch as become poor by cafually, (which includes persons maimed, undone by fire, overcharged with children,) and fuch as have made them-

Churchwardens and

themselves poor by rioting, idleness, drunkenness, &c.

Relieved.

As to the first fort, the poor by impotency, the overfeers are to provide for them a necessary relief and allowence.

Employed.

As for the second fort of poor, those by casualty, if they are of ability and strength, they are to be set on work by the overseers, and to be farther relieved according to their necessities.

Set at

But for the third fort, they are not to be relieved, except it be in cases of great extremity; but are to be sent to the house of correction, and there set at work to maintain themselves by hard labour. Dalt. 157. &c.

Poor prewided for in present exigencies. In present exigencies, overseers are to provide for poor, and it is discretionary to give them money or victuals, &c. And they may be reimbursed by general order of justices in sessions. Styl. Rep. 246. Keb. Rep. 336.

What persons may te fer at work.

Trades fet

Overseers are to set at work all such persons to have no visible income to maintain themselves, or sollow no trade or business to get their livelihoods; and they may with the consent of two justices of peace set up any trade, mystery or occupation for the setting on work, and relieving the poor of the parish or place. Sat. 3 Car. c. 4. Children of all such whose parents shall not, by the church-wardens and overseers, be thought able to keep them, are to be thus set at work. 43 Eliz. c. 2. And any justice may send to the house of correction, & c. persons resusing to be employed in work.

Overseers to account before justices.

The overfeers of the poor shall within four days after the end of the year, and after other overfeers are nominated, give up their accounts before two justices, of all money received by them, or what is affested and not received; what poor they have relieved, what stock they or the poor have in their hands, and of all other things belonging to their office, and shall pay and deliver over what is

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in their hands to the new churchwardens and overfeers. flat. 43 Eliz. c. 2.

And as often as overfeers of the poor yield up Burials in their accounts to the justices, they shall give in the woollen to be name and quality of every person buried within accounted for. the parish, from the time of their former account; and of fuch certificates as came to their hands from the parson, &c. of persons interred contrary to the statute 30 Car. 2. c. 3. for burying in woollen; and also of their levying the penalty of 1. and give an account of the disposal of the fame, or they shall forfeit 5 1. And their accounts shall not be allowed, till they have accounted for the burials. Affidavit is to made in eight days, that a person was buried in woollen.

If overfeers refuse to account, or to deliver over Refusing to what remains in their hands to their fuccessors, account. two justices may commit them to gaol, there to remain without bail, till they account and pay over the money; or, in the last case, the same may be levied by distress. flat. 43 Eliz.

If an overfeer makes a false account, he may Making false be bound over to the fessions, and there indicted, accounts. Dalton's Juflice 154. And in actions. brought against overseers of the poor, for mispending the parish's money, any parishioners not receiving alms, shall be admitted an evidence. Rat. 3 W. & M. c. 11.

Overseers are not obliged to disburse any of Not to distheir own money for the relief of the poor; but burfe monies. if they do, a rate ought to be made to reimburse them; and the overfeers may make a rate for that purpose, and when the money is levied, pay themfelves; and if the justices refuse to fign it, then a Mandamus may be issued, requiring them to do it. 6 Mod. 97.

But if an overfeer be obstinate, and will not dif- When may be burfe any thing, the justices may compel him, and compelled. make a tax for the poor of themselves. Per Windham.

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Of the Poor's Rate.

Over eers power in making rates.

Overfeers of the poor have power to rate and tax every inhabitant and occupier of houses, lands, tithes, underwoods, mines, &c. to raise money towards the relief of the poor, providing a competent flock of flax, hemp, & c. to fet the poor on work. and also for the putting out poor children apprentices; which rate being allowed by two juffices, the churchwardens and overfeers may levy the fame by diffress and fale, and for want of diffress. the party may be committed to gaol till payment, 43 Eliz. c. 2.

And for what purpofes.

Perfons and things to be taxed.

All persons, the clergy not excepted, must contribute to the relief of the poor. 2 Keb. Rep. 251. And all things that bring in an annual profit, may be taxed; tolls are taxable. 3 Keb. Rep. 540.

But if the overfeers make an unequal rate, they may be indicted for it, and fined. Keb. Rep. 173.

Occupiers of

All affefiments ought to be made according to the visible estate the party hath or possesseth in the parish where the affessiment is made, and not elsewhere; the words of the act directing a taxation on the occupiers. 2 Bulft 354

the yearly

The tax is to be in proportion to the yearly value, and not the quantity of land, and as it arises by reason of the land in the parish, the farmer, or renter is to pay it, and not the landlord; and the landlord is never affested for his

Personal It is either upon lands or goods; but a farmer estate taxed, being affested for the land he occupieth, shall not be affeffed for his flock on that land, necessary for manure, nor the profits for which he has already been taxed; but for other flock he is taxable. And a clothier, &c. having an estate in lands, and a great stock of wares, may be taxed for both. Blackerby's Cases 203, &c.

When

When goods are rated, it ought to be after the After the value of lands, (viz.) goods of the value of 100 l. rate of lands. should be rated at 5 l. per ann. or as lands are; and persons must be charged only in that place where the goods are at the time of assessment, as in case of lands.

And if a man have no goods where affeifed, Wrong afand is distrained, he may have an action of trest. fessionents.

pafs, &c.

Overseers of a parish in reputation, though it Taxing of be really no parish, may make rates for their villages, &c. poor, and distrain for the non-payment of them.

Cro. Car. 92. Hilton versus Pawle. And the inhabitants of a village, having a chapel and parochial rights, thall not be taxed to the poor of the rectory. Roll. Rep. 160. Contra, if no parochial rights.

The inhabitants of Lancasbire, Cheshire, York-Particular shire, Northumberland, Durham, Cumberland and counties bown Westmorland, by reason of the largeness of their to provide for parishes, are to have overseers, and to relieve and provide for the poor within their respective townships, or villages, as in parishes. Stat. 13 & 14 Car. 2. c. 12. And other counties in England and Wales are mentioned generally in the pre-

amble of the act.

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Vhea

If a parish extends into two counties or liberties, Parish in the overseers are to act in the whole parish, and two counties not divide themselves; but the justices shall not intermeddle with that part which lies out of their jurisdiction. Ventr. 350

But if there be a churchwarden and several How officers overseers of the poor, some for part of the parish to act. in one county, and others for the other part in the other county, and the rates are several, and accounts separate, they shall be taken as distinct parishes: The case of St. Botolyb without Atterfgate, lying part in London, and part in the county of Middlesex. Raym. 477.

R 2

Power of ju- If a parish is not able to maintain its own poor, fires in tax- two justices may tax any other parish within the hundred; and the fessions have power to tax the The bundred whole county, Stat. 43 Eliz. But when the or ecunty. cause of taxation of other parishes, for inability of those wherein the poor are resident, ceases, the tax shall cease also; and the contribution lessen, as there shall be less occasion. Mod. 374. Rep. 73.

Particular. persons.

It has been adjusted, that the justices may tax particular persons, and need not aliefs the whole parish, which is to contribute to the poor of an-

other parish. 2 Bulftr. 352.

Publick no-

The churchwardens and overfeers, or other pertice to be gi- fons authorized to take care of the poor in every on of rates. parish, township or place, shall give public notice in the church of every rate for the relief of the poor allowed by the justices of peace, the next Sunday after the same shall have been so allowed; and no rate shall be esteemed or reputed valid and fufficient, so as to collect and raise the same, un. less such notice shall have been given. Stat. 17 Geo. 2. c. 3. 9 1.

The inhabi-Spect and have copies.

The inhabitants may inspect the rates, paying tants may in- 1 s. and have copies of them, or any part of them, paying 6 d. for any twenty-four names. Same Stat. § 2.

Penalty.

Churchwardens or overfeers, &c not permitting fuch inspection, or refusing to give copies, forfeit to the party aggrieved 20 1, to be recovered by action of debt, &c. Same Stat. § 3.

A Rate and affessment made this The form of A. in Com' Berks, f. It day, &c. on the inhabitants of a rate or affessment for the parish of A. aforesaid, for and towards the rethe poor lief of the poor there, for the year, &c. Or, being the first, or second farther rate for relief of the poor of the faid parish, for the year 1733, at 9d. in the pound.

A. B.

The state of the section of the sect	1.	S.	d.
A B. Gent.	0	10	0
C. D. Yeoman,	0	5	0
E. F. Merchant,	0	7	6
G. H. Linen draper, &c.	0	6	0

J. K. Churchwarden.
L. M. Overfeers.

We whose names are underwritten, being inhabitants of the parish of A. aforesaid, have perused the above rate and assessment, and do hereby declare, that the several sums abovementioned are, by our approbation, rated upon the respective persons concerned; and that the same is an equal rate, according to the best of our judgments.

P. 2.
R. O.
J. L.
A. M. &c.
Parishioners.

Memorandum, this day, &c. the above rate and affessment was ratified and allowed by us, two of his majesty's justices of the peace for the county aforesaid.

T. O. L. C.

By 23 Geo. 2. c. 35. The churchwardens and St. Martin nine other persons to be nominated by two justices, in the Fields are to be overseers of the poor within the parish of G. 2. c. 35. St. Martin in the Fields, within the liberties of the for watch, city of Westminster; on their results to act, they &c. there, forseit 12 l. and others are to be nominated in step G. 2. their place; payment and application of the penalties; power and authority of the overseers.

Act 43 Eliz. and 17 Geo. 2. Sect. 1.

R

Church-

Churchwaevens and

Churchwardens and overfeers to account annually. Sea 2.

Their accounts to be verified by oath, and to be preserved; persons assessed may inspect and take copies thereof. S.A. 3.

Churchwardens and overfeers not making account and payment, to be committed. Sect. 4.

Vestry to meet on 3 June and 3 Dec. yearly, to contract with rakers, or to appoint a committee for that purpose. feet. 5.

And to make an half-yearly rate for the fame, to be allowed by two justices, and collected quarterly. fed. 6.

Rates to be levied by distress and sale, and for want of distress, the party to be committed.

Persons aggrieved may appeal; order made

thereon to be final. feat. 8.

Distress not to be deemed unlawful, nor the party making it a trespasser, for want of form in the rate or warrant. (162, 9.

Plaintiff recovering in his action, to have full

cofts of fuit. fet. 10.

But if tender of amends has been made, he is not to recover; persons removing from, or coming into any house, to pay to the rates in proportion to the time they respectively occupy the same; in case of dispute, two justices are to settle the proportions. set. 11.

Rates charged on houses occupied by foreign ministers, to be paid by the landlord. feet 12.

None to gain a settlement by paying to the faid

rates. fed. 13.

Collector of the rates to pay over the monies to persons appointed by the vestry to receive the same, and to account yearly; application of the rates; collectors not making account and payment, to be committed. f. Et. 14.

On his dying, his executors to account. fed. 15.

Deficiency in any one year's rate to be carried to the succeeding year; surplus money to be placed to next year's credit. Jea. 16.

Charges of passing this act, how to be paid.

f.a. 17.

Accounts to be entered in a book, and to be examined and figned by the veftry, and lodged with the veftry clerk. feat. 18

Limitations of actions; general iffire; treble

cofts. /A. 19.

This to be deemed a publick act. f.a. 20.

By 25 Geo. 2. c. 23. The veftry to meet an- St Margaret nually on Tuesday in Easter week, or oftener, if and St. John, necessary, to settle the poor and scavengers rates, ster, poor &c. and for repair of the highways in the parishes of 25 Geo. 2. St. Margaret and St. John the Evangelist, in the c. 23. for city of Westminster. Seed. 1.

Within twenty days after afcertaining the faid there, fee feveral rates, the vestry to meet and make one ge-

neral pound rate. feat. 2.

All persons to be charged to the scavengers rate.

feet. 3.

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ncy

Landlord liable to the tax for houses let in separate apartments. sea. 4.

Occupier to pay the rate. feel. 5.

Which he may deduct out of the rent. feet. 6. No tenant to gain a fettlement by payment of

the faid rates. fed. 7.

Vestries to choose a collector of the rates, and to make him an allowance out of the rates; collector to give security; collectors not making account and payment, may be committed [eB. 8.

Vestries may appoint a treasurer, who is to ac-

count annually. fett. 9.

Vestries to meet annually on Friday in Easter week, and choose a certain number to be governors of the poor, who are to make laws for the regulation of the poor, sell. 10,

Provide. felt. 11.

Church

Churchwardens and

Churchwardens and overfeers with the governors, empowered to contract for the maintaining and employing the poor, &c. feet 12.

Churchwardens and overfeers refusing to join, the governors may make the contracts f.a. 13.

Fower given to contract for repairing the highways and cleanfing the fireets. feat 14.

The fum not to exceed what shall be ascertain-

ed by the vestry. feat. 15.

The maintenance of the children in the grey coat hospital, to be provided for as usual. Jest. 16.

Power given to punish the poor refusing to work, or guilty of other misbehaviour. f.a. 17.

Deferted children under 21 years found begging, to be sent to the workhouse, and kept there till they come to the age of 21 years, or day of marriage, if a semale. Sect. 18.

Rates to be levied according to act 43 Eliz.

&c. fett. 19.

Rates to be paid, and then person aggrieved thereby may appeal. fed. 20.

The offices of scavenger to cease. fet. 21.

Persons contracting for cleansing the streets and repairing the highways, liable to prosecution for neglect. sea. 22.

Laws relating to the overfeers of the poor, to be in force where not altered by this act. feet. 23.

Charges of passing this act to be paid. fett. 24. Limitation of actions; general issue; treble costs. fett. 25.

This to be deemed a publick act. Jett. 26.

By 26 Geo. 2 c. 97 The yestry to meet upon Maundy Thursday annually, to ascertain the poor, highways and scavengers rates, in the parish of St. George, Hanower Square, within the liberty of the city of W. stminster. Sect. 1.

And within 20 days after to make three distinct rates for that purpose, which are to be entered in a book, and to be distinguished in separate co-

lumns. feet, 2.

Houles

St. George, Hanover Square. poor, &c. 26 Geo. 2. Houses let in separate apartments, &c. to be charged. sed. 3.

Occupier to pay the rates. feet. 4.

And the same to be allowed in his rent. [e8: 5. But such occupier not liable to gain a settlement-

thereby. Jeat. 6.

Collector of the rates to be appointed, with a falary; fecurity to be given by him; collector not make g account and payment, to be committed.

Treasurer to be appointed, who is to account annually; and in default thereof, to be committed.

f. ct. 8.

Vestry to meet on Monday in Easter week yearly, and commute governors and directors of the poor, and make regulations, &c. for that purpose.

The fame not to be repugnant to the laws of

the land: f.a. 10.

No governor, director, or overfeer, to supply

the workhouse. Sa 11.

Persons may be contracted with for lodging, maintaining and employing the poor, & benefit of the work to be applied towards the relief of the poor. Let. 12.

The governors and directors may make such contracts, if the churchwardens, &c. refuse to

join. fedt. 13.

Persons inhabiting the out-parts where there are no pavements, exempted from the scavengers rate. set. 14.

Contracts may be made for repairing the roads and pavements, and cleanling the fireets. feet. 15.

The rates for the same not to exceed 6 d, in the

pound. feat. 16.

Poor refusing to work, or guilty of profane cursing or swearing, or other misbehaviour, to be punished. feet. 17.

Deserted

Deserted children found wandering or begging, may be sent to the workhouse and kept there. sea. 18.

Landlord to pay the rates affessed on the houses

inhabited by publick ministers. fest. 19.

Rates to be levied as the act of 43 Eliz, directs.

Where distress shall be made for the rates, the charges thereof to be also levied. f.a. 21.

Persons aggrieved by the rates may appeal.

Office of surveyor and scavenger to cease. fet.

22.

If any not being a fervant to the person contracted with, shall take away ashes, &c. without consent of the owner, he is to be committed. fed. 24.

Laws relating to overfeers of the poor to be in force where not altered by this act. fed. 25.

No other rates to be made for the purpoles aforesaid, than as this act directs. feet. 26.

Persons buying or taking in pawn any of the parish cloathing or goods, to forfeit 40 s, application of the penalty; for want of distress, the offender to be committed, sea, 27.

Veilry clerk to enter an account of the sums collected in each ward, and of all disbursements; the same to be examined yearly, &c. f. a. 27.

Charges of this act to be paid out of the rates.

Limitations of actions; general issue; treble costs. fed. 29.

This to be deemed a public act. f.A. 30.

Power given to make regulations concerning the poor in the parish of St. Mary le Bone, in the county of Middlefex, to be confirmed by parishioners. f. A. 32.

And also for contracting for lodging, mainte-

nance, and employment of poor. feel. 33 Church-

29 Geo. 2.

Churchwardens or overfeers refusing to join in such contracts or regulations, sive of the committee empowered to act, &c. f.a. 34.

Laws relating to the poor to be enforced, where

not altered by this act. feet. 36.

Account of receipts and dilbursements to be entered in a book; to be audited yearly; officers to swear to the truth thereof; book to be lodged under care of the vettry clerk, &c. fa. 37.

No contracts to be entered into with any church-warden, overfeer, or committeeman. feel. 38.

Notice to be given of parishioners meeting to put this act in execution; majority to determine all matters, & c. five may do business. f.a. 39.

Charges of passing this act to be first paid. fel.

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Limitation of actions; general issue; treble costs. feet. 41.

To be deemed a publick act. feet. 42.

In the large parishes about London and Westminster, they usually make a collecting book for the poors rate, in the following form.

Westminst. II. A Rate or assessment of sixpence in the pound, made the day, &c. being Easter Tu stay in the year of our Lord 1742, for and towards the relief of the poor of the parish of, &c. in the liberty of the city of Wisminster aforesaid, and country of Middlefex, for the said year 1742, by the churchwardens and overseers of the poor of the said parish, by and with the assent of two of his majesty's justices of peace for the said city and liberty, (of whom one is of the quorum) according to the statute in that case made and provided.

Churchwarden.

Overseers of the poor.

If there be a felect veftry, fome of them, and fuch of the ancient inhabitants as are present at making the rate, fign here.

The above is to be inserted in the first page of your collecting book.

Then begin a new leaf, thus:

Rents.			Inhabitants names.				Rates.			
4	0	00	0	_	A. 1	B. Efq	; —	1	00	0
3	7	00	0	_	Mr.	C. D.	_	0	18	6
2	5	00	0		Mr.	E. F.		0	12	6

In this manner fet down the names of the several parishioners, the rents they pay, and the sums they are affessed, according to the above rate; and then beginning a new page, you make a summary account of the rents and rates, being the sum total of each page, as follows:

Account of - Rents and Rates.

The foregoi	ng		Page 15	
Folio 1.	745	10	0	18 11 9
Folio 2.	908			22 14 4

And so of the rest.

Total ____

On a new leaf then draw up the confirmation of the justices in this manner:

Westmi fter, in the Westmir fter, in the Westmir fter, in the Land E whose names are hereunto subscribed, dlefex, to wit. I two of his Majesty's justices of the peace for the city and liberty aforefaid, (one of us being of the quorum) have feen and perufed the foregoing rate and affestment for the poor of the parish of, &c. And do hereby confirm and allow the same, and appoint you E. F. and G. H. two housholders of the faid parish, to collect and gather the same, and render an account thereof according to law. Given under our hands and feals the ____ day of ____

Note; duplicates are kept of all collecting books,

The rate being thus confirmed, if any person Rates to be shall refuse to pay, &c. it may be levied by war- levied by dirant from two justices by diffress; and if that can firess. not be taken, then two justices may commit the person refusing, without bail, till payment (ut prius)

It has been adjudged, that by the statute the Poors rates poor's rates ought to be affessed monthly, and not bow often to quarterly, &c. for otherwise a man cannot re be made by move in the middle of a quarter, but he will be flatute. twice rated; nor can a diffress be taken by a general warrant made at the time of the rate, but there must be a special warrant; neither can it be taken for a marter before it is ended, if the cufrom is to rate quarterly. 2 Salk. 332.

The quarter fessions will relieve such persons as Relief against are grieved by these rates or taxes. The church rates in the wardens and overfeers of a parish, made a rate quarter feffor the relief of the poor, which was confirmed fions. by two justices of peace; but all was rated upon

Old rates mere ordered.

the real effates of the inhabitants, and none on wacated, and the personal; and therefore an appeal was brought to the quarter-sessions, where the rate was quashed, and the overfeers, Sc. ordered to make a new rate upon the real and personal estates. 2 Salk. 483.

Adjudg'd in B. R.

It was objected, that the fessions had no power to vacate whole rates; but adjudged that they may quash such rates, and refer it to the churchwardens and overfeers to make new ones, or they may make a new rate themselves. Ibid.

Overfeers to deliver an account to their Succes-Jors.

Churchwardens and overfeers within fourteen days after other overfeers shall be appointed to fucceed them, shall deliver to the succeeding overfeers a true account, figned by them, of all fums received, or rated and not received, and of all goods, &c. in their hands, and of all things relating to their office, and pay and deliver over all fums and goods, &c. The account to be verified by oath before a justice. Parishioners paying 6 d. may inspect the account, and paying 6 d. for every three hundred words, may have copies. Rat. 17. G. 2. c. 38. § 1.

may inspect and have cofies.

Inbabitants

Churchwardens and overfeers not delivering fuch account, & c. and paying, &c. may be committed by two justices, until, &c. Same fit.

Pun: foment for default.

> 6 2. Overfeer dying or removing out of the parila, two justices may appoint another in his stead, S. me Hat. § 3.

Overfeer doing or remisving.

> Overseer before removal to deliver to some churchwarden or other overfeer is account, as before circeted, under the like penalty. S.me

Stat \$ 3.

Overfeer dying, his executors, etc. within forty days to deliver over all things concerning his office to some churchwarden or other overleer, and pay out of his affets what was due from him before payment of any other debt. Same flat: [3. Perfons

Persons aggrieved by any rate, or having rea. Appeal from fonable objections to it, as unequal, may appeal to rates.

the quarter sessions. Same stat. f 4.

The good; of a person affested and refusing to Distress for pay may be levied in any place in the same coun rates may be ty; and if sufficient distress cannot be found levied in another commy. there, then on oath before a justice of any other county, they may be levied in that county. Same Aat. f. 7.

Succeeding overfeers shall levy arrears, and Overfeers to thereout reimburse their predecessors what they reimburse have expended for the use of the poor. Same their predeflat. f. 11.

Persons occupying any house, &c. out of which Persons occuany other person affested has removed, or which pying a house, at the making of the rate was empty, every person out of which fo removing, and the person so coming into and any person has occupying the same, shall pay to such rate in pro- that wasempportion to the time he occupied the fame, under ty when ratthe like penalties of diffress, as if he had not re-ed. moved, or been originally rated; the proportion. in case of dispute, to be ascertained by two justices. Same flat. f. 12.

Copies of all rates shall be entered in a book, Rates to be whereto all persons affested are liable to be affested entered in a

may freely refort. Same stat. f. 13. Besides these rates for relief of the poor, there Spelled by

are several penalties inflicted by act of parliament, Penalties for for offences committed, to be applied to the use of the use of the the poor; for which fee under the heads of Con poor. stables, Churchwardens, Negl. Ets in repairing highways, Scavengers, &c.

Having treated of overfeers of the poor in ge prog imneral, I proceed to several particulars; as the laws potent relating to the relief of impotent persons, poor persons. prisoners, &c. concerning the placing forth poor Particular apprentices, bistardy and settlements.

A father, granifather, mother, and grandmo- lieve children ther, and husband of the grandmother (being of &c.

Retief of Parents torg-

fufficient.

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sofficient ability) are to maintain and relieve their children, which are accounted impotent poor, as the sessions shall order; under the penalty of 20 s. per month. 43 Eliz c, 2 But if the busband of the grandmother hath no means or advancement in marriage with her, he shall not be obliged to

keep the child. 2 Bulftr 345. 347.

A fortune in marriage wish a grand mother.

The husband's having means, or his being of ability after marriage, will not make him liable to the maintenance of a poor grandchild, unless the grandmother had means sufficient; but if after marriage, lands descend to such grandmother, and the husband enjoys them in her right, he shall be bound to keep the child. A bastard child is out of the statute, and to be provided for otherwise.

Bather.

A father has been ordered to allow maintenance to the fon's wife, he being beyond fea; and a father-in-law has been adjudged within the meaning

of the act 43 Eliz. Styl. Rep. 283.

Children of ability to maintain paremis.

Children of poor, old, impotent persons, or others, not able to work, are at their own charges to relieve and maintain them, (in like manner as parents are to relieve their children) if fuch children are of ability, under the like penalty of 20 s. per month, to be levied by diffress and fale, &c. per Stat 43 Eliz. c. z.

Churchwarexamine the register of pour;

For the better relief of poor impotent persons, dens, &c. to and to prevent imposition of churchwardens and overfeers of the poor, the parishioners of every parish are yearly in Easter week, or as often as it shall be thought convenient, to meet and examine the register book of the poor; and the reasons of their taking relief, &c. and to alter the lift as they shall see occasion. flat. 3 & 4 W. & M. c. 11.

and alter lifts, &c.

> And the persons receiving relief are to wear badges, as has been before observed; (except such child as shall be permitted to live at home, to take care of an impotent and helples parent.)

Perfons exenpted from quearing badges.

This

This flatute was made to prevent misapplying money raised for the impotent and poor, on idle

beggars.

To provide houses for the poor churchwardens Cottages for and overfeers, with the leave of the lord of the the poor, on manor, in writing under hand and feal, or accor- the waste. ding to any order fet down by justices of the peace in their quarter-fessions, may build cottages at the general charge of the parish, &c. on the waste, for habitations of poor impotent persons; and place inmates or more families than one in a cottage. Stat. 43 Eliz. c 2.

The money for building these cottages, at the Taxes for epublick charge of the parish, may be raised by a recting them.

tax, as before directed, &c.

To the worshipful the justices at the general quarter-fessions of the peace, bolden at, &c. for the county of, &c.

The bumble petition of J. D. of, &c.

Sheweth,

h

HAT whereas your petitioner being very A petition to weak and impotent, and with his wife and juffices for as children fettled as an inhabitant in the faid parish order for eof, &c. and at present destitute of an habitation, retting acet hath, by application made to A. B. Efg; lord of tage. the manor of, &c. obtained his confent, under his hand and feal, for your petitioner to erect and fet up a cottage on the waste within the parish of. Ce. aforesaid, for an habitation for himself and his family; if an order of fessions can be obtained for confirmation thereof, as by the paper hereunto annexed doth appear.

May you therefore be pleased to grant unto your poor petitioner the order of this court, where.

by your faid petitioner may fet up a cottage for an habitation for himself and poor family. on some convenient place on the waste, within the manor of, &c. aforefaid.

And your petitioner shall ever pray.

Relieving

Where persons labour under pestilential diseases, fick and in- justices of peace, mayors, &c. of cities and corfelted persons porations, may set a weekly tax on the inhabirants of the corporation, for relief of poor persons infected with the plague; and if they are not able to pay it, then on certificate by such mayors, &c. the two next justices of the county may tax all the inhabitants within five miles of the corporation. Stat. 1 7. c. 31.

And payment being refused, it may be levied by diffress and sale; and in default of a distress, the party to be committed to gaol till payment

Taxes for relief of poor prison.rs.

The law is likewise no less careful in providing for poor prisoners; for the statute 43 Eliz. c. 2. gives power to justices of peace, at Easter lessons yearly, to rate every parish at a certain sum to be paid weekly, no pariffs to pay more than 6 d. towards relief of poor prisoners in the King's Bench and Marshallea; and treasurers for the county are to be chofen at the faid Eafter festions, &c.

In the Marthalfea, Gc.

Prifoners in the common gool.

Justices of peace of every county in their general quarter fessions, may also tax every parish in the county towards relief of prisoners for debt in the common gaol, so it does not exceed 6 d or 8 d. a week for every parish, to be levied by churchwardens, and paid once a quarter to the high constables or head officers of every town, &c. who are to pay it to the collectors appointed by the justices in their festions. Stat. 14 El.

Stock fr poer

Justices in their fessions may likewise provide a prisoners, &c. sufficient flock to set poor prisoners to work, committed for felony, and other misdemeanors, by

fuch ways and means as other county charges are raised, provided no parish be rated above 6 d. a week; and they may appoint overseers and collectors, examine their accounts, and punish abuses, &c. Stat. 19 Car. 2 c. 4.

The placing forth poor children apprentices, is Poor aperficemed one of the best methods of providing for prentices. the poor.

Churchwardens and overseers of the poor may How placed put out children of parents not able to maintain out. them; but it must be by the assent of two justi-

ces.

The children so put forth are to be above seven, Proper ages, and under fifteen years of age; and those above and time to the age of ten years, may be bound by their own serve. agreement, by indenture, & and if above twelve, they may be compelled by a justice. And the man child shall be bound till he come to the age of twenty sour, and the woman child till twenty one. Dalt. 143. Stat. 43 El. c. 2.

Churchwardens and overseers, with the assistance Who to take of the justices, may oblige all persons of ability, as poor apprengentlemen, clergymen, youmen and tradesmen, tices. (such as bakers, brewers, carpenters, masons, weavers, tailors, dyers, fullers, &c.) to take apprentices, either with money, or without, there Money given being no necessary of giving money with them; with them, for it is discretionary in the churchwardens whether they will give any or not. And justices shall determine disagreements between masters and officers.

Overfeers of the poor are judges of the disabili-Children rety of parents to maintain their children; and such fusing to be as resuse to have their children placed forth appendices, may be bound over to the sessions: Children resusing to be bound, are to be sent to the house of correction, till they shall be willing.

Date. 148, 153.

Masters

Masters refufing to ac cept appren tices.

Masters refusing to receive such apprentices, by the flat. 43 E/ c. 2 were to be bound over to the affizes; and if they refused to give band, they might be committed; or the churchwardens and overfeers, by c nfent of two justices, had power to fine them to raife money to place the apprentices with others; and if they refused to pay such fines, the two justices might make a warrant to levy them by diftref, &c. But now by the flatute 8 & 9 W. 3. c. 30 upon the churchwardens making oath of the refufal of the mafter, before two Forfeit 10 1. jultices, he forfeits 10 /. to be levied by warrant

of two justices to the use of the poor.

Though the party may appeal to the next feffions; and a man may not be compelled to take an apprentice that may be a fpy on his family, a

thief, enemy, &c. Ventr. 325.

Taxes for placing out poor apprentices, and money given for

Monies may be raised for placing out apprentices by overfeers, in like manner as for relief of poor, by taxing every inhabitant and occupier of lands, houses, tithes, &c. Stat. 7 Jac. c. 3. And where charity money is given for that purpose, if in towns corporate, it shall be employed by the corporation; if in other places, by the parson, constable, churchwardens and overseers, Ge or the greater part of them; who, if they refuse, forfeit five marks each, to the use of the poor. flat. 7 J. c. 3.

Masters must give security to repay what money Money with apprentices to they take with such an apprentice, at the end of be returned. feven years, or within one year after the death of the apprentice, if he die at that time; to be em-

ployed for putting out others. The truftees must account in Easter week, to the two next justices,

If there be no fit persons to be apprentices in Apprentices placed in o- the place where the money is given, it may be aber parishes, employed in the parishes adjoining; but the churchwardens cannot place them to masters in another parish, though the justices in fessions may;

and

and if there are no mafter sht to receive them in the hund ed, then they may be put out in the county at large by order of lesions.

. Apprentices may be placed to farmers, who Farmers to shall receive them for husbandry; and single wo take appren men, widows, &c. for housewifery, &c. But tien in b. apprentices in husbandry must be above the age of ten, and under eighteen. They may ferve till twenty one, or twenty four years of age: and justices of peace may compel persons that are fit, to ferve in husbandey as apprentices, until one and twenty. Stat. 5 El. c. 4.

HIS Indenture made, &c. between A. B. In inand C. D churchwardens of the parish of, benture &c. in the county of, &c. and E F and G. H. of anoverfeers of the poor of the same parish, L. M. menticea poor child of the faid parish (or fon of, &c. who this. is not able to bring up and maintain him) of the one part, and J. K. of, &c. tailor, of the other part, Witneffeth, That the faid churchwardens and overfeers, by the affent of, &c. two of his majesty's justices of peace of the said county, according to the direction of the flatute made in the forty-third year of the reign of queen Elizabeth for the relief of the poor, hath put out and bound the said L. M. apprentice to the said J. K. till the faid L. M, shall come to the age of twentyfour years. During all which time, the faid apprentice his faid mafter well and faithfully shall ferve, his fecrets keep, his lawful commands every where willingly do. He shall do no hurt or damage to his faid mafter, nor confent to its being done by others, but shall forthwith give notice thereof: He shall not waste the goods of his said maller; nor lend them to any person without his consent. He shall not frequent taverns nor alehouses during the said term (except it be in his mafter's bufiness) and he shall not play at cards, dice, or other unlawful games. He shall not, either

either by day or night absent himself from his said master's service, but in all things as a good and saithful servant shall demean himself towards his said master, and all his. And the said J. K. his said apprentice shall, during the said term, educate and bring up, or cause to be educated and brought up, in his trade of a tailor in the best manner that he can; and find and allow unto him during the said term, sufficient, wholesome and competent meat, drink, lodging, washing, apparel, and all other necessaries meet for such an apprentice.

In witness, &cc.

The confent of the justices indorfed on the backfide.

We whose names are hereunto subscribed, justices of the peace of the county of, &c. do confent to the putting forth L. M. apprentice, according to the intent and meaning of the within written indenture,

J. L. T. J.

Apparel for apprentices.

To these indentures it is sometimes usual to add a clause for the master, at the end of the term, to provide for his apprentice two suits of apparel; one for Sundays, and the other for working days; and masters may not take away apparel from apprentices, though they part with them. Browness, 193.

Authority of mayors, &c.

Mayors, builiffs, or other head officers of corporate towns, have in their feveral precincts lke authority, as the justices of peace have in counties, for all the uses and purposes in this act: And so hath every alderman of a ward in the city of Landon. Stat 43 Eliz. c. 2.

Justices may discharge an apprentice, and or- Apprentices, der a restitution of money given where the fault is for what in the master; as negligence in instructing his ap-charged. prentice in his trade, not allowing him necessaries, beating him unreasonably, &c. Hawksworth's case, 25 Car 2. Keb. Rep 6 If the fault be in the apprentice, he may be fent to the house of correction, by tat. 5 El. c. 4.

Leffee for years of a farm takes an apprentice, How apprenand the term expires before the apprenticeship is tices go on a ended, he mull go with the farm, if his matter mafter's will permit him; but where a man taketh an ap-death. prentice by reason of his ability, and the matter dies before the end of the apprenticeship, he shall go to the executor or administrator, if he hath adets; and if none, then he must return to the parish where last settled. Show. R p. 405.

Besides the statutes aforementioned relating to Apprentices apprentices, the Stat. 2 Ann. requires the placing to fea fervice.

forth poor apprentices to the fea fervice.

Two justices, mayors, or chief magistrates of Who may be towns, &c. or churchwardens and overfeers of put out. the poor, with the consent of two justices, &c. may place out boys of ten years of age, and upwards, (by an act fi ce made, 13) likely to be a charge to the parish, whose parents are chargeab'e; and those who beg for alms, to the sea fervice, till they come to the age of one and twenty years; and 21. 10 s. is to be given with each boy By churchby the church wardens and overfeers, to provide wardens and clothing and bedding, which will be allowed in overfeers, &c. their accounts 2 & 3 Ann. c. 6.

Every master or owner of a ship from 30 to 50 Masters of tons, not taking one fuch poor boy apprentice; ships to take one more for the next 50 tons, and one mo e for them. every 100 tons above the first 100, shall forfeit 10 / to the poor of the parish from whence the

boy was to be bound. Stat. 2 Ann. c. 6.

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Churchwardens are to fend the counter part of Indentures the indenture to the collector of the custome, in bow executed the port to which the master belongs; it must be fealed by the master, in the presence of the collector and confiable there, and be attelled by them, and afterwards returned to the churchwardens : But such collector must first enter it in a book, and indorse on the indenture that it is regiflered, and fubscribe his name without fee, or he shall be liable to the penalty of 5 L to the use of the poor. Ibid. Stat.

Collectors of

Collectors at their ports are to keep a register ports to keep of the names of masters and apprentices, and from registers, &c. what parishes they came; the number and burden of all fhips and veffels, &c. and transmit true copies thereof to the quarter-sessions when thereunto required

> These apprentices shall not be pressed, still they are 18 years of age; but then they may be pressed, and the masters shall receive their

wages.

Apprentices surned over. to the feaferwice.

apprentices.

Parish boys bound apprentices, according to 43 Eliz. may at the requelt of the master, &c. and with the confent of two juffices, be turned over to masters and owners of ships, for the remaining time of their apprenticeships, by inden-Assignment of ture or assignment: And the widows of masters of fhips may affign over their poor apprentices to other masters. In other cases, a poor child bound apprentice cannot be legally affigned to another mafter. Salk. 68.

Complaints determined.

Two justices, &c. near the port where any veffel shall arrive, have power to hear and determine all complaints of hard usage to those apprentices; and to make orders as between matters and Stat. 2 & 3 Ann. c. 6.

Apprentice affigned not good,

The affignment of an apprentice, though with his confent, will not make him an apprentice to the affignee, within the Stat. 5 Eliz. c. 4. in the city of London, by the custom, such assignment is good, 3 Keb. Rep. 519.

Inflices

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Justices of peace have conusance of apprentices Justices bound by private persons, as well as by overleers power in of the poor: And justices may discharge such an apprentices. apprentice, if the fault be in the mafter. The juffices cannot punish a bad maffer, though they may discharge the apprentice; but they may punish a bad apprentice. &c.

On complaint of an apprentice, one justice is to And punishbind the master over to the next general sessions ing them at and four justices there are to discharge the apprentice; and upon complaint of the mafter, to fend the apprentice to the house of correction, if he will not appear at the fessions, and abide the order

of the juffices. Skin. 98.

An action of trespass will lie for taking an ap- Actions for prentice out of his actual fervice; and for enticing detaining him out of his mafter's fervice, or to take money, apprentices, or play, or detaining a hired fervant, an action of the case will give remedy. Noy's Rep. 105.

By 5 Eliz. none shall fet up any trade who hath Setting up not served seven years apprenticeship.

Two juffices of peace, mayors, or other head Df ferofficers of any city, borough or town corporate, bants. may warn all fingle perfons under the age of thirty, &c. to go to fervice at a time prefixed; and any Perfons comwoman upwards of twelve, and under forty years pellable to go old, being unmarried, they may compel to go to to fervice. fervice.

If fuch person neglect to go to service, and Punishment continue to live idly, having no visible estate, they on refusal. may be fent to the house of correction, or be bound over to the fessions, and to be of the good behaviour in the mean time. Stat. 5 Eliz. cap. 4

Justices of the prace in their Easter festions or Wagesofferwithin fix weeks after, mayors, &c. are to limit vants, la-and affels the wages of servants, labourers, work-fit by justices, men, &c. under the penalty of 10 l. on every

justice

justice being absent, and not having some reasonable excuse. Stat. 5 Eliz. cap. 4. Labourers and workmen working by the day, week, month or year, or taking work by the great, are within the statute; and sheriffs and mayors, &c. are to proclaim the rates. Stat. 1 Jac. cap. 6.

Exception of

If justices in fessions make an order for the paycoachmen,&c. ment of servants wages, it is good, by reason they have power to compel the fervice; but for the wages of a coachman, or the like, they have no power to make an order, because they cannot oblige a man to serve in that capacity. And one Ryecroft, a Middlesex justice, had 30 1. damages recovered against him for making an order for the payment of a feaman's wages. T. Jones's Rep. 47.

Mafters giwing more.

king more.

If a master gives more wages than set by juflices, he forfeits 5 1. and may be committed for Servants ta- ten days without bail : And a fervant taking more wages, shall be committed for one and twenty days: But a mafter may reward a servant as he pleases, so as it is not by way of contract on the retainer. Stat. 5 Eliz. c. 4.

Labourers guork.

If a labourer or servant depart before he has not finishing finished his work agreed to be performed (except for non-payment of wages, or with leave of the master, or being taken into the king's service) he is to be committed for a month without bail, and to forfeit 5 1. Stat 5 Eliz. c. 4.

Eerwants refusing to ferve for flasute ivages, Or leaving masterswith out quarter's warning.

If a fervant refuse to ferve for the wages appointed by justices; or having promised to serve, shall not comply, he shall be committed until he give security for his service; and if a servant depart before the end of his term, being hired for a year, without cause allowed by a justice, or after his term is expired, without giving a quarter's warning, two justices may commit him without bail, till he give security to serve for the time agreed on. Stat. 5 Eliz. And by the statute 7 Jac. c. 4. one justice may fend him to the house

house of correction, there to be punished as a

disorderly person.

A master likewise cannot put away a fervant be Masters putfore the end of his term, without some reasonable sing away cause, to be allowed by one justice; nor after the servants. end of the term, without a quarter's warning given before witness; if a master discharges a servant otherwise, he is liable to a penalty of 40 s. Stat. 5 Eliz. c. 4.

A servant ought not to be discharged by reason Sickness, &c. of sickness or any other disability by the act of no cause of God; nor may his wages be abated for those discharge or

causes. Dalt. 129.

But both master and servant may part by confent; and then the allowance of the cause by a consent. justice of peace is not necessary. A master's detaining wages, or not allowing sufficient meat, drink, &c is good cause for a servant's departure; but it must be allowed by a justice. Dalt.

If a master puts away his servant, he shall have How wages wages to the time he served; but if the servant paid on part-depart himself before the end of his time, he loses ing.

all his wages.

If a fervant be retained a year, according to On the death the flatute, and the master dieth within that time, of a master, the executor must pay the wages; Contra, if the retainer was not for a year. But all retainers and promises for payment of wages, contrary to the statute, are void. Stat. 5 Eliz. c. 4.

A fervant or workman affaulting his master, Servants afmay be bound to the good behaviour by one ju faulting stice; or two justices may commit him for a year masters. or less, at their discretion. 5 Eliz. And if any purloining servant shall purloin or make away with his maggoods. ster's goods to the value of 40s. it is felony. Stat. 12 Ann. c. 7.

If a woman with child procure herself to be Serwants retained with a master who knows nothing thereof, with child this is good cause to discharge her from her ser-retained, vice; if she be gotten with child during her ser-

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How trowided for.

vice, it is the same thing; and if the term be ended, or the lawfully discharged, the master is not bound to provide for her; but it is a misfortune laid upon the parish, which they must bear as in cases of casual impotency. Resolved Anno 1633.

What the mafter is to do

The malter not having legally discharged his house of such a servant, he must provide for her till her delivery, and one month after; and then she is to be fent to the place where last legally fettled. Dalt.

Servants marrying.

If a woman servant marrieth, she is obliged to ferve out her time; and if both man and wife agree to ferve, they must perform the agreement. Dalt. 92.

An agreement between a jerwant.

I Emorandum, It is agreed this day, &c. between A. B. and C. D. in manner folmaster and a lowing, viz. That he the said A. B. shall and will receive the laid C D. into his house and service for the term of one whole year, from the date hereof; and provide for the faid C. D. competent and fufficient meat, drink, washing, and lodging; and also pay and allow unto him the faid C. D. the fum or wages of & L. he the faid C. D. continuing in the service of him the said A. B. during the faid term : And the faid C. D. promifes and agrees with the faid A. B. That he the faid C D. shall and will, for the considerations aforefaid, faithfully serve him the said A. B. in the bufinels and service of, &c. for and during the said term of one year, without absenting from the fame, or embezzling any of the money or goods of the faid A. B. or anywise disclosing the secrets of his faid master. In Witness whereof the parties aforesaid have hereunto set their hands, &c. the day and year above written.

Of 25afarbs. Who are baftards.

As bastards are frequently chargeable to parishes; I shall take some notice of them.

All children born out of lawful wedlock, are bastards; And issue born before marriage, though

the

the parties afterwards intermarry: Issue by a fecond wife, the first living; the issue of persons divorced; children born during marriage, where a husband is apparently incapable, or under the age of fourteen; children born after a husband has been some years beyond sea, or not within the four seas during the woman's being with child, are likewise baftards. 47 Ed. 3. 18 H. 6. Co. Lit. 235. Roll. Abr. 358, &c. 4 H. 6. 3 Noy Rep. 142.

But iffue born forty weeks and eight days after Time of lithe departure or death of the husband, is no ba- gitimacy in ftard. Cro. Jac. 451. Alfop. ver. Bowtrell, birth. Though by lord Coke forty weeks is the latest time for the birth of legitimate iffue. 1 Inft. 123. b.

Where a bastard is begotten on a woman, she is Proceedings to be examined upon oath by a justice of peace; where a ba-and on her swearing to the reputed father, the jugotten. slice shall issue out his warrant for taking him; The woman and when the person appears before the justice, he examined, is to enter into recognizance with fureties, and to &c. be of the good behaviour, till order be made by two justices. Dalt. 39. Salk. 380.

Middlesex, J. HE examination of E. B. The examifingle woman, taken before nation of a me T. D. esq; one of his majesty's justices of peace woman with for the faid county, this day and year, Ge. who baffard. on her oath faith, she is an hired servant to M. F. of, &c. and that in the month of May last, as she this examinant was making one of her master's beds in, &c. room of his house, A. T. a mercer. living the next door, came into the faid room, no other person being present, and promising great kindness to this examinant, prevailed with her; and then had the carnal knowledge of her body. once on the faid bed, and hath had the same three feveral times fince; and that at one of the faid times he the said A. T. got her with a bastard child, with which she is now pregnant, and near the time of her delivery: And this examinant far-

ther upon oath saith, that the said A. T. is the only true father of the said bastard, with which she is now pregnant, as aforesaid; or of which she was delivered on, &c. (if after delivery)

Seworn the day and year aforefaid, before

E. B.

T. D.

Order of jufices for relief of the parish.

When the child is born, two justices (quorum unas) who are next the places, are at a private meeting to examine the matter, and make an order for the punishing the father and mother, the relief of the parish in part, or in all, and charging the parents with payment of money weekly, for maintenance of the child: But a bastard of a person able to keep it, and not likely to become chargeable to the parish, is not within the statute. Statute 18 Eliz, c. 3.

Persons able to keep the child.

Justices have no power but to indemnify the parish; that is, only to oblige the putative father to maintain the child as long as it is, or may be, chargeable to the parish; for the father may take the child when he pleases, and maintain it himfelf; wherefore orders for payment of money weekly, till the child attains a certain age, have been quashed. Saund, 82. Salk. 121, Esc.

The father may maintain the child himfelf.

A constable having arrested the reputed father of a bastard child, let him escape, whereupon the justices made an order that the constable should pay 3 1. towards the expences the parish had been at, and 1 s. a week, and the mother 6 d a week towards maintaining the child; but the order was quashed as to the constable, because the justices had no such authority. Mich. 11 Ann. The Queen against Jesseries. But he might have been indicted for the escape.

Power of justices to adjudge, &c.

Although none but the justices of peace have power to adjudge who is the putative father of a bastard child; yet if the justices are unreasonable

in appointing provision for the child, as if they appoint but 2d. a week, &c. the court of B. R.

will judge of that. 2 Sid. 361.

In the drawing of orders in these cases, the or- Rules about der must be concerning a bastard, and so expres- making orfed; it must contain a positive adjudication, who ders by juis the reputed father; and that the child is likely fices. to become chargeable to the parish; the justices may order the father or mother to maintain the child, and no other person; one of the justices must be of the quorum, and both, at the time they make their order, in the county for which they are justices; it must appear by the order, that they are the justices next to the parish where the bastard child is born; and that the child was born in the parish, to which the money is ordered to be paid. Style 154. Vent. 37, 310. Cro. Car. 213. Keb. 383.

W Hereas M. A. was on or about, &c. last An order of past delivered of a bastard child in the pa-justices for rish of, &c. which is now living, and likely to be- maintaining come chargeable to the faid parish: And whereas, child, upon due examination, on oath, it appears, that A. B. of &c. is the father of the faid bastard child: Now we T. D. and J. S. of, &c. elgrs: two of his majesty's justices of peace for the county aforesaid, and living nearest the said parish of, &c. For the relief of the faid parish and maintenance of the faid baftard child, do, according to the ffatutes in that case made and provided, order the said: A, B to pay weekly and every week from the time of the birth of the faid child; and fo long asit shall be chargeable to the said parish, of, &c. unto the churchwardens or overfeers of the poor of the said parish for the time being, the sum of. &c... for and towards the maintenance of the faid child : And we do hereby farther order, that the faid M. A. shall pay weekly, and every week, for lolong time as the faid child shall be chargeable to the faid parish of, &c. as aforefaid, and she shall

not keep the same, the sum of, &c, to the church wardens, &c. of the faid parish for the time being. for the farther maintenance of the faid child: Or. that the the faid M. A. shall be sent to the house of correction, and there kept to hard labour, &c. (if the be not able to contribute to the maintenance of the child.) And laftly, we order, That the faid A. B. &c. do, upon notice of this our order, forthwith give sufficient authority to the churchwardens and overfeers of the faid parish of, &c. well and truly to do and perform what is ordered as aforesaid. In witness, &c.

What orders not good.

It is faid, that two justices cannot order the reputed father to give security and performance of their order, before he hath made default in obeying it; And an order made without complaint of the parish officers, is not good. Blackerb. Cafes

Appeal to foffions, when may be brought.

The putative father may appeal from the order at the next fessions, if he hath good cause: And upon the appeal, the sessions will either affirm or quash the order of the two justices: And in case the two juffices cannot agree in making their order, it may be referred to the fessions. If the reputed father brings an appeal against the order, he must enter into a recognizance for his appearance at the fessions, to have the matter determined : Not giving fecurity to the parish, and refusing to enter into fuch recognizance, the two justices making the order, may commit him Stat. 18 El. c. 3.

Orders rel'd, &c.

If Justices of peace in their fessions, revoke an order of two justices for keeping a bastard child; and no father can be found, they are liable to keep

the child themselves. Ventr. 59.

Child dying.

If a child dies after the order is made, and before the next fessions, and no security be given to perform the order; yet when the party appears at the fessions, the justices may order him to pay the charges, upon proof of ferving the order.

And an order made to pay fuch charges as the Charges to be parish hath been at, without faying, that the child Paid. was likely to be chargeable, &c. was held good. Ventr 37.

A fingle woman delivered of a baftard in any 6 Geo. 2. parish or extraparochial place, or declaring herself 6. 31. to be with child; on oath before a justice, charg. ing any person with getting it, he may iffue his warrant to apprehend the reputed father, to give fecurity to indemnify the parish, or enter into a recognizance with forety to appear at the next quarter fessions, and to perform such order as shall be made in pursuance of the act 18 Eliz. and not doing it, the justice is to commit him to the common gaol, or house of correction, &c.

But if fuch woman die, or be afterwards mar- In what ried, or if the miscarry, or it happens the was not cases the man with child; or if no order be made in fix weeks discharged. after her delivery, the man shall be discharged by the justice: And no justice may compel any woman before delivered, and one month after, to an-

Swer questions. Stat. 6 Geo. 2. c. 31.

If the father of a baltard child pay a competent Paying a fum fum of money in groß to the overfeers of the poor, to indemnify for maintenance of the child, he shall be dif the parish. charged; and the overfeers are to release him; But if he do not pay fuch a fum, he may give bond to the churchwardens and overfeers to indemnify the parish; and if the child then become chargeable to the parish, the justices may not intermeddle; but the parish must sue the sureties on the bond.

Hereas M. A. of, &c. fingle woman, upon of a bond examination lately taken before, &c. one given to of he majesty's justices of the peace for the county dens and of, &c. aforesaid, hath declared and affirmed upon overseers of oath, that the is great with child, (or hath been the poor, for lately delivered of a baftard child,) and that the indemnifying above bound A. B. is the father of such child or from a ba-children flard child.

children she now goeth withal: And whereas the faid child or children when born, may become chargeable to the parish of, &c. aforesaid: If therefore the said A. B. and the above bound E. F. and G. H. or either or any of them, ther, or either or any of their heirs, executors or administrators, do and shall from time to time, and at all times hereafter, fully and clearly exonerate and discharge, or otherwise well and sufficiently fave and keep harmless and indemnified as well the above named 7. K. L. M. and N. O. churchwardens and overfeers of the poor of the parish of, &c. aforefaid, and their successors for the time being, and every of them; as also all the inhabitants and parishioners of the said parish of, &c. which now are, or hereafter shall be, and every of them, of and from all and all manner of expences, damages, costs and charges whatfoever, which shall or may at any time hereafter arise, happen, come, grow, or be imposed upon them, or either, or any of them, for or by reason or means of the faid M. A.'s being now great with child, as aforesaid; or for or by reason and means of the birth, maintenance, education, and bringing up of such child or children that she the said M. A. now goeth with; and of and from all other troubles, charges, damages and demands whatfoever concerning the fame; then this obligation to be void, or else to remain in full force and effect.

Not giving hand, &c. Order to be made. And not obeying the order, parties punified

כלבותוכה

If the party do not give such a bond of indemnity, the two justices are to proceed to the making their order, for the security of the parish; and if after the order made, the reputed father and mother having notice thereof, shall not perform the same, the party making default, shall be committed, till security be given for the performance of the order, or to appear at the next quarter sessions. Stat. 18 Eliz. c. 3.

Church-

Churchwardens and overfeers of the poor where Goods, &c. a bastard shall be born, may by order of two ju to be seized. Stices seize goods, and receive rents of the lands of the reputed father and lewd mother towards the discharge of the parish; which order being confirmed in the sessions, the churchwardens may sell the goods, &c. Stat. 13 & 14 Gar. 2 cap. 12. Though this is seldom done but where a party withdraws himself clandesinely.

Two justices may institute a corporal punishment Where the upon the reputed father, not being of ability to father abdischarge the parish, by whipping. Stat. 18 Eliz sconds. Corce. 3. And by the statute 7 fac. c. 4 the justices ment when may commit lewed women to the house of correctinssical, tion, who have bastards that may be chargeable to the parish, there to be punished and set at work

for a year.

But if the woman will discharge the parish, she Discharging cannot be punished by this last act; yet, by virtue the parish of 18 E/iz. she may be punished by whipping: exempted But a woman is not to receive any punishment till from it.

the is delivered. Dalt. 41.

Officers negligently suffering an escape of the permitting reputed father; and any person who shall persuade the rep ted or convey away the reputed father or mother, may father to be bound over to the sessions by one justice, and escape. there be ordered to contribute towards the maintenance of the child; but it hath been held in a late case, that the justices have no authority to do this; tho such persons may be indicted and fined. Vide antea, fo.

Justices in corporations, & c. are to put the acts Concealing in execution relating to bastardy as justices in the death of bacounties, & c. And it is murder for a woman to stards, &c. conceal the death of her bastard. 3 Car. c. 4.
21 Jac. c. 27 Keilw. 33. Gilb. Evid. 271.
2 H. H. Pl. Cr. 288, 289. Law Evid. 274.
Pl. 4. 2 Hawk. Pl. Cr. 438. H. Pl. Cr. 125.

If any person shall conspire to charge another Defamation with a bastard child, he may be indicted, and a in relation to woman bastardy.

Churchwardens and

woman wrongly charging a man with getting a baflard upon her body, was committed to the house of correction for life, Paj.b. 13. Car. 1. usual punishment of these offenders, is publick

whipping, &c. Ventr. 305

Horv ba-

Bastards, having in the eye of the law no father, flards settled. gain a settlement by their birth. They are to be placed with their mother 'till feven years of age; and then be fent to their place of birth, the mother or reputed father not being able to provide for them.

Relieving them makes

And if two justices order overfeers of any parish, to raise money toward maintaining a bastard, no settlement. or poor person, it doth not determine their settlement in that parish; for that right is not contested.

We have feveral laws in force to confine men Df fet= to certain places of fettlement and habitation; tiements. and by flatute, every parish is obliged to provide Parifbes to for its own poor. 43 Eliz. cap. 2. rovide for

the poor.

If a father has a legal fettlement in a parish, Children Setthe child is fettled where the father is; but if the father has no legal fettlement, then the child gains a fettlement in the parish where born.

2 Bulft. 351.

Of parents wandering.

tled wbere

born.

If parents of poor children die wandering and in Transitu, the children are to be provided for by the parish where they were born; for the place of birth is a certain fettlement, and parents wandering with them afterwards will not alter the case. Bulft. Rep. 351.

Where child to continue.

But if a child be duly fettled in a placed with foetled, there father or mother, and they die or run away from thence, it must there continue; and may not be

fent to the place of birth, Lamb. 207.

Settled with parents.

Children shall be fent to, and settled with the parents: And children above seven years of age, found begging, and vagrant with the parents, are to be fent to Bridewell with them; if under, to

the

the place where they last passed through without

punishment.

If a woman with child fent to the house of cor- Children born rection, be there delivered, the child shall not gain in prifor a settlement in the parish where born; but the excepted. parish where the mother dwelled when fent to the house of correction, shall provide for the child. 2 Bulft. 358.

If a travelling woman, having a small child Woman with fucking on her, is apprehended for felony, and child committried, condemned, and executed, this child is to ting felony. be fent to the place of its birth, if that can be known; if not, to the place where the mother was taken. Dalt. 158. 19 Vin. Abr. 365. (A) pl. 1.

Where a child is brought from one parish to Children another, without legal authority, it may be re- brought from turned back by a warrant of the justices, though one place to not fettled at the first place. And where any poor legally. child is first known to be, that parish must provide for it, 'till they find another to which it may be lawfully removed. Comber. 364. 372.

'Till seven years of age, children are accounted Nurse chilnurse children. If a poor man settled at A. mar- dren under ries a poor woman who is settled at B. and has seven years children by a former hulband, the wife shall be old. fent with him to A. and also the children under feven years old, but only for nurture; fo that they How fettled shall be kept at the charge of the parish from on removals, whence removed : And the children, above feven &c. years of age, are not removeable. 2 Salk. 470. 482.

A wife is to be fent to, and fettled with her Wife fettled hulband; and though he be at the place but as an with ber inmate or fervant, the shall be fettled with him : bufband. But if a hufband hath a house in one parish, and live there by night, and is a covenant fervant to a mafter in another parish, where he is all the day : in this case his wife and children shall continue in Taking a the first place, where they are settled; though if bouse makes a

the fettlement.

the husband take a house in the last parish, they must be fettled there with him. Dalt.

Perfons ejected, not after t be fettlemicht.

The law unfettles none who are lawfully fettled: nor permits it to be done by compulsion, &c. A man having a wife and children, takes a house in the parish of B. for a year; and in that year he is wrongfully turned out of possession; whereupon he takes a house in the parish of C. from which he is also ejected in a short space; and thereby wanting a place to live in, he gets in a barn in the parish of D. and there his wife is delivered of another child: in this case they are all to be sent to the parish of B. out of which they were first illegally forced. Refolw. 1633.

Nor where bindered to

If any person by indirect means hinder a poor man from hiring a house, he may for such disturtake a boufe. bance be indicted. It is fineable to remove or put any out of the parish, who ought not to be put out; and the persons so removed may be conveyed back. Dalt. 08.

moved.

What perfons If a man have an estate in a parish, he cannot not to be re- be removed from thence though he is likely to become chargeable, let him be fettled where he will. 5 Mod. 419. But fee the ftatute 9 Geo. c. 7. And persons whose interest in houses or lands is determined, cannot be put out of the town where legally fettled, but they shall be relieved or fet on work there, unless they commit an act of vagrancy, when they may be fent to the place of their birth. Dalt. 158.

Forty Lays a fettlement.

Persons rent-

ing under To l. a year

The flatutes relating to settlements, are the 13 & 14 Car. 2. c. 12. 3 & 4 W. & M. c. 11. 8 & 9 W. 3. c. 30. 12 Ann. c. 18. Gr. By the ftatute 13 & 14 Car. 2. c. 12. when any poor person came to fettle in a parish in a tenement under 10 l. per ann. upon complaint by the churchwardens and overfeers of the poor to any justice of the peace e beremov'd. within 40 days, two justices might by order remove him to the place where he last dwelt for

forty days; which shews that 40 days made a fettlement before this act.

But the 40 days were to be accounted from the Notice of pertime of publick notice given to the churchwardens fons coming or overfeers in writing of the place of his abode, into a parish, and number of his family; and their publishing of it likewise. Stat. 3 & 4 W. & M.

This notice was to be read in the church by the Tobe puboverseers or churchwardens, the next Sunday after listed by divine service, under the penalty of 40 s. The like ever sees, sees penalty for neglecting to register such notice, to be levied by distress, &c. And for want of distress, to be committed for a month without bail. Stat. ib.

But persons renting 10 l. a year; executing upon Persons gaintheir own account any publick yearly office, or ing a settlecharge for a year; paying to the poor's rate, or any ment without
share of taxes of the parish, (unless it be the king's notice,
tax;) unmarried persons not having children, hired
as servants for a year; and persons bound apprentice, and inhabiting in a town, are excepted out
of this act, and gain a settlement without giving
notice as aforesaid. Stat. 3 & 4 W. & M. c. 11.

A person rents two tenements of 5 l. per ann. By renting each, he thereby gains a settlement: But if a man estates in rent a piece of land of to l. per ann. and there is no bouses, &corhouse belonging to it, it is otherwise. Hill. 1710. In case a person rents 14 l. a year, but it lies in two parishes; it makes a settlement where he resides.

By Parker chief justice, renting a tenement of And continuto l. a year, for one month, is a fraudulent renting; ing forty but if one rents a house of 10 l. per ann. and con-days. tinues forty days, he gains a settlement, within the meaning of 13 & 14 Car. 2.

A man, who is chose parish clerk by the parson, Serving a and receives his fees and duties, cannot be removed parish if he continues there a year; for it is a parish office. Cas. of Set. & Rem. 241. 2 Salk. 536.
Fortesc. 230. Foley 168.

In respect to servants, it must be one intire hi- Settlement of ting, and one intire year's service, in pursuance of servants

1 2

that

that hiring, that can gain the party a fettlement'

by force of the act. 3 & 4 W. & M.

Hiring for a A fervant being hired first from Lady-day to year. Michaelmas, and then to Lady-day following; it was adjudged he had a good settlement, there being an intire hiring for a year, though different times were mentioned. 3 Salk. 257. pl. 10.

Perfons bired An unmarried person hired for a year, married marrying. before the year was expired; it was held, that he could not be removed, and that upon performing his fervice he would gain a fettlement.

527. 2 Seff. Caf. 121.

And if a maid servant hired for a year, be away. turned away on account of fickness before the year expired, the nevertheless obtains a settlement there. Style 168.

A fervant being hired at A for a year, his mawing in feve- fler lives there half a year, and then lives at B. another half year; adjudged the fervant is fettled in the last place; for the statute doth not tie the service down to one place. Caf. of Set. & Rem. 109. Stra. 90 Seff. Caf. 121. But if a person be hired as a fervant to work in a boat for a year, which plies between one place and another; by fuch fervice and hiring, he galos to fettlement,

Barnard. K. B. 436. Fitzgio. 255. Caf. of Set. & Rem. 219. Seff. Caf. 327.

A person is a lodger in a parish, yet his fervant acquires a fettlement : And fervants to lodgers and vifitors, gain a fettlement in the parish where they continue to ferve, &c. 8 Mod. 50.

If one, who is a lodger only in a parish, and ene a lodger. hath no fettlement there, takes an apprentice; the apprentice gains a fettlement, though the master has none, for the settlement of the apprentice does not depend on the master's, as that of a wife does on her husband's. Parish of St. Brides, 2 Salk.

> 533. When a person is bound apprentice by indenture, wherever he continues forty days in the fervice

Turning

Mafter lis ral places.

Fxtraordinary case of Jervants.

Servants to udgers, &c.

Asprentice to

Continuing forty days makes a Jettiement.

fervice of his mafter, there fuch apprentice gains a fettlement; and where any perion ferves the last forty days of his apprenticeship, that is the place of his last legal fettlement. 2 Salk. 533.

An apprentice served two years in one parish, Serving in and was by agreement turned over to a master in two parishes, another parish, and there served out his time: settled in last, This was held a good settlement in the parish where he last served. Cas. of Set. & Rem. p. 116. pl. 153. Stra. 554. Sess. Cas. 275. pl. 215. 8 Mod. 168.

A person was sent by order of justices to an ex- Persons sens traparochial place of settlement, he having served to extraparoseven years apprenticeship there: By Holt. C. J. chial places. If a place be extraparochial, and has not the face of a parish, the justices have no authority to send any one thither. 2 Salk. 486. Seff. Cas. 20, 35. Stra. 512. 2 Stra. 1004, 1071, 1143. Fortesc. 210. Andr. 72, 208.

But by virtue of the flatute 13 & 14 Car. 2. Settlements concerning settlements, the justices may exercise in villages the powers given by 43 Eliz. in all extraparo- and townschial places containing more houses than one, so as to come under the denomination of a village or town. Salk. ibid. and see flat. 6 Geo. 2.

No settlement can be legal in any parish, when When so settle residence of the party is obscure, and uncer tlement tain; or where the person is under disturbance by gained. officers. 3 & 4 W. & M. c. 11.

By the statute 8 5 9 W. 3. c. 30. a poor man Certificates may remove from one parish to another, having on person's a certificate under the hands and seals of the removal to churchwardens and overseers of the poor, or un rish der the hands and seals of the overseers, where there are no churchwardens, acknowledging the person therein mentioned to be an inhabitant legally settled in their parish; which certificate being attested by two witnesses, and allowed and subscribed by two justices, shall oblige the parish

U 3

to receive the person. &c. when he shall become chargeable, &c.

Settlement on Such certificate, &c.

But no person who shall come with such certificate shall have a legal settlement in the parish, unless he bona fide take a lease of a tenement of 10 1, per ann. or shall be placed in, and execute some annual office. fat. 9 & 10 W. 3. c. 11.

Apprentices, &c. to per-Sons by certificate.

And he, who shall be an apprentice by indenture, or a hired fervant to one, who comes into a parish by certificate, not afterwards gaining a legal fettlement there, shall not by virtue of his apprenticeship, indenture or binding, nor such servant by being hired or ferving fuch person, gain any settle-

ment there. 12 Ann ft. 1. c. 18.

Soldiers quives and children.

Two justices, where any non-commissioned officer or private foldier having a wife and children, shall be quartered, may summon him to make oath of their last legal settlement; and a copy of the path is to be delivered to the commanding officer. to be produced when required. If he shall be fummoned again, on producing a copy of the oath formerly taken he shall not be obliged to take any farther oath. flat. 19 Geo. 2. c. 11. \$ 24.

A certificate of a person's being a pariphioner.

7E whose names are hereunder written, churchwardens and overfeers of the poor of the parish of, &c. in the county aforesaid, do certify that A. B. labourer, the bearer hereof, is an inhabitant legally settled in our said parish of, &c. And we do hereby oblige ourfelves and successors. to receive the faid A. B. and his family, whenever he shall become chargeable to the parish of, &c by impotency, casuaky, sickness, or otherwise; to which said parish of, &c, the said A. B. is desirous to remove for his better support and employment, In Witness whereof, we have hereunto set our hands and feals, &c.

C. D. Churchwarden.

E. F. Overseers. Inhabitants. We N. O. and W. R. esqrs. two of his majesty's justices of the peace for the county of, &c. aforefaid, do hereby allow of the certificate abovementioned. Witness our hands.

N. O. W. R.

N. B. The act 3 Geo. 2, c, 29. requires an oath, by witnesses, of the signing of certificates; and justices to certify the same. Vide Post. 227.

Some years fince a question arose between two Extraordiparishes in the county of Northampton, upon an nary case order removed into B, R. which was thus: A relating to person, who was not legally settled in the parish, settlements. but had lived there some time, procured a certificate, by virtue of which he went into another parish, where he was an inhabitant with them; af of a person terwards being poor, the parish from whence he removed on came took him again; but upon inquiry found norong certithat he was never lawfully fettled with them, but ficate. had gained a fettlement in another place, before they gave this certificate; and thither they removed him by order. The parish, to which he was removed, appealed, because those, who had given the certificate, had owned him to be an inhabitant fettled with them; but the certificate was held by the court only to be an evidence of a fettlement; and thereupon the first order was confirmed. Salk. 530. pl. 6. Caf. Temp. Hole 578.

But it was adjudged Mich. 9 Ann. That a cer-Afterwards tificate concludes the parish giving it, not only adjudged against the parish to which it is given, but as to all contra. other parishes; it being a solemn acknowledgment and adjudication. 2 Salk. 535. Fol. 248.

Churchwardens and overfeers refusing to receive Churchward a person sent by order of the two justices, forfeit 51, dens, &c. to the use of the poor of the parish from whence refusing a the party was removed. Stat. 12 Ann. st. 1. c. 18. order.

Appeals concerning fettlements. Cofts to be paid, &c.

But though they may not refuse a person fent by order, they and others aggrieved by any order of justices, may appeal to the next fessions of the county or place wherein the parish lies, from whence the poor person is removed, as I have already intimated; but on the appeal, the fessions may order costs to be paid by the overfeers of the poor, or other person against whom 'tis determined; and it is the fame on giving notice to a proper officer to appeal, and not profecuting the appeal. The costs may be levied by diffress and fale of the goods of the person ordered to pay it, by a justice's warrant; and if no distress can be had, the party shall be committed to gaol for twenty days. 8 & 9 W. 3 t. 30.

Over feers, &cc. negletting their duty.

Penalty.

Churchwardens and overfeers, for every neglect and default in executing their offices relating to the poor, forfeit the sum of 201, to be employed to the use of the poor of the parish: The default to be proved either by confession or oath of one witness, and the penalty levied by the new churchwardens and overfeers, by diffress and sale, by virtue of a warrant from one justice; and for want of distress, two justices may commit the offender till payment, 43 Eliz. c. 2. Dalt. 97.

Statute Where wife or children left on a parifb, goods, &cc. of the busband or father to be feized.

The churchwardens or overfeers of the poor, 1 G. 1. c. 8. where any wife, child or children, shall be left on the charge of any parish, making application to, and by warrant from two justices of the peace, may seize so much of the goods and chattels, and receive so much of the rents and profits of the lands and tenements of the husband, father, &c. of fuch wife or children, as the justices shall direct, for the discharge of the parish, in providing for fuch wife or children.

And fold by order of ju-Bices.

And at the next quarter fessions, the warrant of the two justices being confirmed, the justices in their fessions may make an order for the churchwardens or overfeers to dispose of the goods or chattels,

chattels, by the fale thereof; and also to receive the faid rents and profit of the lands and tenements, or fo much of them as they shall think fit.

And the churchwardens, &c. are to be ac Subject to countable for all money as they receive, to the account. justices in fessions.

Tuffices of peace are not to order relief to poor Statute persons, until oath be made of reasonable cause; 9 Geo. 1. and that they had applied to the parishioners at 6.7 for pro-fome vestry or publick meeting, or to the overseers &c. for the of the poor of the parish, and were refused to be poor. relieved by them; and until the justice hath summoned the overfeers to shew cause why relief should not be given. All persons ordered by ju- All poor to be flices to be relieved, must be registered in the pa- registered. rish books, as those who are to receive collection; and no officer of any parish shall bring to the parifli account, any money he shall give to the poor persons not registered in the parish books, on pain of 5% penalty, leviable by diffress, by warrant of two justices, for the use of the poor of the parish. But there is an exception in the act, as to relieving per ons upon emergent occasions.

Churchwardens and overfeers of the poor, with Houses for the confent of the major part of the parishioners, ledging and have power by this statute to purchase or hire any maintaining house or houses in the parish or place, and con-poor, and tract with persons for lodging beening and on taking their tract with persons for lodging, keeping and em work, ploying of poor persons; and there they are to keep them, and take the benefit of their work and labour, for the better maintenance and relief of fuch persons: And poor persons refusing to be so lodged, kept and maintained, are to be firuck out of the parish books, and not be intitled to relief. Two or more parishes, where small, with the approbation of a justice of peace, may unite in purchafing or hiring houses for the aforesaid purposes: And the churchwardens or overfeers of the poor

Churchwardens and

of one parish, with the consent of the majority of the parishioners, may contract with the churchwardens, &c. of any other parish, for the lodging and maintenance of poor. And no perfons, or their apprentices, children, &c. shall acquire a fettlement in the parish to which they shall be removed.

Settlements ruben not gained by this att.

No person shall gain a settlement in any parish, by virtue of any purchase therein, for which the consideration doth not amount bona fide to 30 l. for any longer time than fuch person shall inhabit in the estate purchased; and shall after be liable to removal to the place where last legally feuled. Persons taxed to the highways, or on the scavengers rates, shall not acquire any legal settlement thereby in any town or parish where paid.

Appeals, nosice to be given, &c. on orders for remeval.

In case of appeals from orders for removal of poor; none shall be proceeded on in the quarterfessions, unless reasonable notice be given by the churchwardens or overfeers of the poor of the parish making the appeal to the churchwardens, &c. of the parish from which such person shall be If reasonable time of notice be not given, the justices may adjourn the appeal to the next quarter fessions; and if the justices in their fessions determine in favour of the appellant, they Coffs and ex- are to award fo much money as shall be reasonably expended by the parish, on whose behalf the appeal was made, for the relief of the poor person, between the time of the undue removal and the determination of the appeal.

pences allowed.

> And this shall be recovered in like manner, as costs upon an appeal.

A contract for lodging and mainsaining poor per fons.

T is contracted and agreed this - day of . . &c. between A. B. and C. D. churchwardens, and E. F. and G. H. overfeers of the poor of the parish of, &c. in the county of, Gr. and J. K. of, Gr. that he the faid J. K.

shall and will during the term of, &c. next coming, at his own proper costs and charges, in the house of, &c. hired by the said A. B. and C. D. &c. find, provide and allow, or cause to be found, provided and allowed unto and for T. W. R. T. L. 7. &c. poor persons of the parish of, &c. aforefaid, sufficient lodging, meat, drink, and all other necessaries for their and every of their keeping and maintenance; he the faid 7. K. being paid and allowed by them the faid A. B. C. D. and E. F. &c. the churchwardens and overfeers of. Ge. aforesaid, the weekly sum of, Ge. for the fame, which they the faid A. B. C. D. and E. F. &c. do hereby covenant for themselves and their fuccessors, well and truly to pay, or cause to be paid to the faid J. K. as the same shall become due; or he the faid J. K. being allowed the work, labour and fervice of them the faid T. W. R. T. L. J. &c. from time to time, in such work and labour as he the faid J. K shall think fit to employ them about; which the faid A. B. and C. D. &c. the churchwardens and overfeers of the poor aforesaid, do consent and agree he shall have accordingly. Witness, &c.

The witnesses to certificates of churchwardens Statute and overseers of the poor acknowledging any poor 3 Geo. 2. 6: person to be legally settled in their parish, are to 29. relating make oath before the justices of peace directed to cates, allow the same, that they did see the persons, Oath to be whose names and feals are thereto, fign and feal made of fignthe faid certificate; and the justices shall certify ing certifithat such oath was made before them, and thereupon the certificates shall be allowed as evidence in all courts, without farther proof, &c.

And when overseers of the poor of any parish Charges of remove back any certificate persons becoming removing chargeable to the parish to which they belong, persons reimthey shall be reimbursed the charges in maintaining and removing such persons, being ascertained by a

iuftice

justice of peace, by the churchwardens or overfeers of the poor of the perish to which removed.

Or levied by distress.

On default of payment whereof, the same to be levied by diffress and sale of their goods, by virtue of the jultices warrant, &c.

For the new act 6 Geo 2 c. 31. for relief of parishes against bastard children, see Bastards.

nors. &c.

Work-bouses The most considerable work house in the city of for the poor. London, is that in Bishopsgate freet, fet up pursuant In London, to the 13 & 14 Car. 2. c. 12. By which act fident, gover- power is granted for the prefident and governors of this corporation, to purchase or take any lands or tenements not exceeding 3000 l. per ann. and any goods or chattels, &c.

Per fons em-

In this work-house, some hundred of idle perployed there- fons are constantly employed in beating of hemp, in, and bow. picking of oakum, &c. And as some are difcharged, others are committed : But the greatest benefit arises from the poor children there maintained; who are religiously educated and employed in spinning of wool, knitting and sewing, &c. They are dieted and clothed, and taught to read, write and cost account, whereby they are qualified for fervices and employments.

Vagrants,

The prefident, &c. of this work-house is imbeggars, &c. powered to apprehend vagrants, flurdy beggars, &c. and fet them to work.

In Briftol, a guardians, &c.

By the Stat. 7 & 8 W. 3. a great work-house corporation of was erected in the city of Briffol, for the better employing and maintaining the poor; governed by a corporation, confilling of the mayor and aldermen, guardians and affistants, &c who may raife money by a tax on the inhabitants, for the maintenance of the poor in the faid work house, not exceeding what hath been usually paid; they have power to hold courts for regulating the affairs of the poor, and make bye-laws for government; and to provide what necessaries they think fit for setting the poor to work; and compel idle people and beggars

Their power to provide necessaries, &c.

beggars to dwell and inhabit in fuch work houses, and work there; also to keep poor children in order to be placed out apprentice.

This corporation hath the care of and providing And for all for all the poor of the faid city; except fuch as the poor. are relieved by charitable gifts, hospitals, alms-

houses. &c.

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In the third year of queen Anne a law was InWorcester, made for erecting a corporation to provide for the by flatute poor in the city of Worcester; and by this act the 2 Ann. c. 8. corporation is to confift of the mayor, aldermen, several of the common council, and others chosen out of each parish, &c. which corporation is empowered to hold courts, summon persons, &c. And also to provide materials for setting the poor on work; oblige idle persons and the poor receiving alms to dwell and work in the workhouse, &c.

And they have power to contract with any pa- Extends to rish in the county of Worcester, for the relieving, whole county.

employing, and fetting to work of poor persons.

By 13 Geo. c. 19 a corporation is established In Gloufor the better providing for and fetting at work the cefter, flat. poor in the city of Gloucester; confisting of 31 13 Geo. c. 19. guardians, chosen out of the several wards and parifles, at vellies held by the churchwardens and overfeers of the poor, &c. The corporation may Power of the moke bye laws for better government of the same, corporation to the revenues thereof, and for the maintenance of laws, raife all fuch poor as shall be taken into their care, &c. money, &c. And they are to charge how many weekly or other payments shall be needful for maintaining the poor in their work-houses, by certificate to the mayor and aldermen of the faid city, who shall order the same to be raised and levied on the ichabitants.

Also they may possess themselves of all the goods Goods of and effects of those who seek to them for relief, or the poor. that are brought into the work house.

In Canterbury, by 1 Geo. 2. A. 2. c. 20. a corporation,

The 1 Geo. 2. ft. 2. c. 20, enacts, that there finall be a corporation to continue for ever within the city of Canterbury, for the employing and maintaining the poor there; it consids of the mayor, recorder and justices of the said city, and twenty eight other persons elected out of the ablest inhabitants, two out of each parish: And they are to erect workhouses, and raise money by a rate or cess on the Rates and af- inhabitants, &c. The guardians may make allowance to poor persons who fall fick, or are ancient, without compelling them to come into the work house; and are to cloath and maintain fixteen poor blue coat boys separate and apart, and cause them to be instructed in reading, writing, &c. who are to be put out apprentices, &c.

Sessments. made.

Blue coat boys.

Poor likely to removed.

The corporation is to provide for all the poor of be chargeable, the fourteen parishes; and cause the churchwardens and overfeers to complain to two justices of peace of the faid city, in order to remove fuch poor as are likely to become chargeable, to the place of

their fettlement, &c.

Hospital for poor foundhing children in London. Stat. 13 Geo. 2. 6. 29.

Besides private hospitals, erected by virtue of the 39 Eliz. cap. 5. for the sustenance and relief of the poor, the heads whereof are incorporated and to continue for ever, fuch hospitals being founded by deed inrolled in the chancery: There is lately an hospital established in London by statute, for the maintenance and education of exposed and deserted young children.

The governors and guardians of this hospital, may purchase any lands or tenements to the value of 40001. a year, and erest or convert buildings purchased or hired to be an hospital for the reception of fuch poor children; and the corporaton, or perfons employed by them, shall receive, maintain and educate as many children as they

think fit.

Thechildren employed, or put apprentice, &cc. or inc. doute

This corporation may employ, or put apprentice to any trade, or the fea fervice, any male children till they attain the age of 24 years, and place place out the females till 21: They may also hire or let out such children; and give them correction for misbehaviour.

Perfons may bring children to this hospital, with- Children to be out being disturbed therein by any churchwarden brought to the or other parish officer, on the penalty of 40s. le bospital uithout diviable by warrant of two justices: And no over furbance by feer of the poor, &c. shall have any power or parify ofauthority to inquire into the birth or fettlement of ficers. fuch children.

But the children, nurses, or servants, shall not Not to gain gain any fettlement in the parish where the hospital any fettleis; nor shall the parson or clerk, &c. there, re- ment, &c. ceive any fee for these children's christening or burials. 13 Geo. 2. c. 29.

By 2 Geo. 3. cap. 22. A register book (for Parish poor annually registering all parish poor infants under to be registerfour years of age within the bills of mortality) is ed. 2 Geo. 3. to be provided in every parish, by 1/1 July 1762; 6.22. that for any parish wherein there is a workhouse, &c. is to be ruled and distinguished into columns according to the schedule annexed to the act, marked (A) and that where there is no fuch work house, &c. according to the schedule marked (B) Sea. 1.

All infants under four years of age, which shall be in any fuch work house, &c or under the care of the churchwardens or overfeers of the poor, on the faid ift of July, shall be entered therein agree-

able to the faid schedule. Sect. 2.

As shall also all infants under the said age, which shall be brought to the work house, or be under the care of the churchwardens after the faid day.

Siet. 3.

The first annual register is to commence on the faid if July, and end on the 3 ft Dec. enfuing; and afterwards to commence on iff June, and end on 31st Dec. following. el. 4.

At the expiration of each year, all infants under the age aforefaid, then living and registered, and

not discharged, shall be transferred to the register for the ensuing year, previous to any further entry. Sect. 5.

And be figned by the vellry, churchwardens, overféers, veltry clerk, and master of the work-

house, where there are any such. Seet. 6.

Infants received before baptized, or known to be so, shall be baptized within 14 days after; and be named, if not known by the churchwardens and overfeers, and registered accordingly; and they may be distinguished by affixing some mark to them. Sect. 7.

Children, whose parents receive money from the parish towards their support, are not included in

the act. Seet 8

Copy of the register is to be laid monthly be-

fore the register. Seat. o.

And at the end of every year, a copy for the year to be deposited in the vestry room. Sect. 10.

And the original is to be preserved with the

parish books. Sea. 11.

And figned copies of the feveral registers for the respective parishes, are to be delivered yearly by 15th of February to the clerk of the company of parish clerks, for which he is to give a receipt. S.A. 12.

And is to cause the said copies to be bound up in alphabetical order, and make out from thence one general abstract, by 25th of March yearly. Sect. 13.

And deposit the said abstract, bound up with the registers, with the master and wardens of the

company. Sect. 14.

And he is to print the faid abstract, and deliver fix copies thereof for the use of each parish to the respective vestry clerks or churchwardens. Sect. 15.

For all which he is to be paid by each fuch vestry clerk or churchwarden, on delivery of the faid faid copies 15s. passing a receipt for the same.

Churchwardens and others neglecting their duty in the premisses, forfeit to the informer 405-for every offence; to be recovered by distress and

fale, by warrant of a jullice. Sect. 17.

By 7 Geo. 3. c. 39. Children born in or received into any work-house, or parish house, within the several parishes following, that is to say, the seventeen parishes without the walls of London, the swenty-three parishes of Middlesex and Surry, being within the bills of mortality and the liberty of the tower of London; and the ten parishes within the city and liberty of Westminster, shall be nursed and taken care of as follows. Sea. 1.

Such of them as are under fix years of age, to be fent into the country not less than three miles

off. Sea. 2.

Those under two years not suckled by the mother, not less than five miles off; and those above two, and under six years of age, not less

than three miles off. Sect. 3.

Weekly rates to be paid for their nursing and maintaining, till apprenticed, or returned to the work house. Conditional reward to nurses for their care. Clothing to be furnished, and all other incidental expences defrayed by the parish; and separate accounts to be kept thereof. Sect. 4.

Five guardians of the parish poor children to be chosen, where any shall refuse to act, or shall refuse, or die, a further choice to be made. Sect. 5.

First guardians to continue in office till the year 1770: Future guardians, to remain three years in office. Sect. 6.

Churchwardens and overfeers disqualified from being elected guardians. Sea. 7.

Power and duty of guardians. Evils complained of by them, how to be remedied. Sea. 8.

A meeting of the guardians to be summoned every six weeks; to make a quorum. Power given X 3

them fingly, or jointly, to call in the churchwar-

dens or overfeers. Sea. 9

Liberty granted of fending parish poor children, under six years of age to the founding hospital, upon such terms as shall be agreed on. See 10.

The charge to be defrayed out of the poor rates; and if not duly paid, any justice may fummon the overseers; and order immediate payment, with the charges incurred; and on refusal, may levy the same by distress and sale. Sea 11.

The death, discharge, or apprenticeship, of any child, to be certified to the vestry clerk of the

parish, S.A. 12.

Hospital account to be kept with each parish

diffinct. Seet. 13.

Parish children and foundlings, to be apprenticed for not more than feven years, or till twenty-one years of age. Sect. 14.

Apprentice fee not to be less than four pounds two shillings, and to be paid at two payments.

Sect. 15.

Particular registers to be provided by each parish, according as they come within the following description. Sea. 16.

Entry to be made at the foot of each register.

Sea. 17.

Form of the abstract of the register of the infant poor, Sed 18.

Manner of conducting their registers. Sea. 19.

Annual list to be made out by each parish of the children apprenticed, and delivered to the company of parish clerks. Abstract thereof to be printed and delivered to each parish, Sea. 20.

Registers and lists to commence and end an-

nually at a certain time, Sea. 21.

General expences not otherwise provided for, to be paid out of the poor's rates. Sea. 22.

Fenalty on parish officers, and others, neglecting their duty. Sea. 23.

To be a publick act. Sect. 24.

By 8 Geo. 2. c. 15. S.A. 8. No person who No Settlement shall pay to any rate made by virtue of this act gained in the (which is an act for regulating the nightly watch james and and beadles within the two parishes of St James St. George. and St. George, Hanover Square, within the liber- Hanoverties of Wistminster) shall be construed thereby to Square, by gain any fettlement in the faid parishes.

By o Geo. 2. c. 8. fest. 8. No person who shall Nor in St. pay to any rate made by virtue of this act, (which Martin in is an act for regulating the nightly watch and the Fields, Westminbeadles within the parish of St. Martin in the fter, by Fields within the liberties of Westminster) shall be 9 G. 2.c. 13. construed thereby to gain any settlement in the

faid parish.

By 9 Geo. 2. c. 13. f. 8. No person who shall Nor in St. pay to any rate made by virtue of this act, (which Garden, is an act for regulating the nightly watch and bea- Westmindles within the parish of St. Paul, Covent Garden, fter, by within the liberties of Westminster) shall be con- 9G. 2. c. 13. firued thereby to gain any settlement in the said parish.

By 9 Geo. 2. c. 17. f. 12. No person who shall Nor in St. pay to any rates made by virtue of this act, (which margaret and St. John, is an act for regulating the nightly watch and bea-westmindles within the parishes of St. Margaret and St. ster, by John the Evangelift, within the liberties of Wift 9G. 2. c. 17. minster) shall be construed thereby to gain any

featlement in the faid parishes.

The payment of rates to be levied by this act, Nor in St. which is an act for rebuilding the parish church Olave's of St. Olave) shall not make any person settled in parish, 10

St. Olave's parish.

By 9 Geo. 2. c. 19. f. 8. No person who shall Nor in St. pay to any rates made by virtue of this act, (which Ann's Westminis an act for regulating the nightly watch and bea fler, by dles within the parish of St. Ann, within the li- 96, 2. c. 19. berties of Westminster) shall be construed thereby to gain any fettlement in the faid parish.

By

Or within the liberties of Hatton Garden, Ec. by

By 10 Ceo. 2. c. 25. f. 14. No person who shall pay to any rates made by virtue of this act, (which is an act for regulating the nightly watch and bea-106.2 c. 25. dles within the liberty of Saffron Hill, Hatton Garden, and Ely Rents, in the parish of St. Andrew, Holbern, in the county of Middlefex) shall be construed thereby to gain any settlement within the faid liberties and parish.

Nor in the parish of Chrift-Church, Middlefex, c. 35 ..

By 11 Geo. 2. c. 35. f. 11. No person who shall pay to any rate made by virtue of this act. (which is an act for enlightning the open places, freets, &c. and for regulating the nightly watch by 11 G. 2. within the parish of Christ Church in the county of Middlefex) shall be construed thereby to gain any

fettlement in the faid parish,

Nor in St. Margaret's, Norfolk, by 18 G. 2. c. 3.

By 18 Geo. 2. c. 3. s. 16. The payment of the rates directed to be raised by this act, which is an act to enable the parishioners of the parish of St. Margaret, in the county of Norfolk, to raile money by rates upon themselves for finishing the church of the taid parish) shall not intitle any perfon to a settlement therein.

Nor in St. Andrew, Holborn, by 20 G. 2 C. 33

By 20 Geo 2 c. 33. s. The payment of any rates directed to be raised by this act, (which is an act to enable the parishioners of the parish of St. Andrew, Holborn, in the city of London and county of Middlesex, to purchase a convenient piece of ground for the use of the faid parish, and to enable the faid parishioners to raise such sum and fums of money as shall be necessary for that purpose) shall not intitle any person to a settlement in the faid parish.

Nor in the town of Liverpool, Lancaster, by

By 21 Geo. 2 c. 24. f. 43. No person who shall be appointed a watchman by virtue of this act, (which is an act for building a church in the \$16.2, c.24. town of Liverpool, in the county palatine of Lancoffer, and for enlightning and cleanfing the streets of the faid town, and for keeping and maintaining a nightly watch there) shall, by acting in that duty, gain any fettlement in the faid town.

By

By 23 Geo. 2. c. 18. $\int_{1}^{2} 13$. No person who Nor in St. shall pay to any rate made by virtue of this act, John's, (which is an act for enlightning the open places, Surry, by 23 streets, &c. and for the regulating a nightly watch G. 2. c. 18. within the parish of St John, Southwark, in the county of Surry) shall be construed thereby to gain any settlement in the said parish.

By 23 Geo. 2. c. 36. f. 5. No person not le-Nor in St. gally intitled to a settlement or benefit in the pa-George the rish of St. George the Martyr, Southwark, shall be Martyr, Southwark, deemed to have gained a legal settlement in the by 23 G. 2. said parish by virtue of this act, which is an act for c. 36. settling a stipend or maintenance upon the rector of the parish of St. George the Martyr, Southwark, in the county of Surry, and his successors, in lieu of tiches.

By 24 Geo. 2. c. 15. f. 14. The payment of Nor in St. the rates directed to be raised by this act, (which Mary, Islingis an act to enable the parishioners of the parish of ton, Middle-st. Mary, Islington, in the county of Middle sex, by 24 G. St. Mary, Islington, in the county of Middle sex, to 2. c. 15. rebuild the church of the said parish) shall not intitle any person to a settlement, who was not before payment legally intitled to such settlement in the said parish.

By 24 Geo. 2. c. 37. f. 31. No person who Nor in St. shall pay any rate made by virtue of this act, (which Bartholois an act for regulating the watch and beadles mew, Lonwithin the parish of St. Bartholomew, London) shall 2. c. 37. gain or be intitled to any settlement in the said parish.

By 25 Geo. 2. c. 23. s. 7. No tenant or occu-Nor in St. pier of any separate apartment of any house shall, Margaret by the payment of the rates assessed by this act, and St. John the Evange-list, West-ment of the poor in the parishes of St. Margaret minster, by and St. John the Evangelist, Westmirster, and for 25 G. 2. c. cleansing the streets, and repairing the highways) 23. be deemed to acquire any settlement in the said parishes.

Churchwardens and

Nor in St. Botolph, Aldersgate, by 26 G. 2.

By 26 Geo. 2. c. 94. f. 12. The payment of the rates directed to be raised by this act, (which is an act to enable the owners of houses and lands in the parish of St. Botoly b without Aldersgate, to repair the church and steeples belonging to the suid parish) shall not intitle any person whatsoever to a settlement, who was not before such payment intitled to a settlement in the said parish.

Nor in St. George's, Hanover Square, Westminster by 26 G. 2.

By 26 Geo. 2. c. 97. J. 6. No tenant of any separate apartment of any house shall, by the rates directed to be raised by this act, (which is an act for the better relief and employment of the poor in the parish of St. George, Hanover Square, within the liberty of Wissimsser, and for cleansing the streets and repairing the highways within the said parish) be deemed to acquire any settlement in the same, but the landlord shall be construed to all intents to have paid the same.

Norin St.
Bartholomew, London, by 28
G. 2. c 37.

By 28 Geo 2. c. 37. f. 37. No person who shall pay any rate made by virtue of this act, (which is an act for regulating the watch and beadles in the parish of St. Bartholomew, London) shall gain or be intitled to any settlement in the said parish.

Nor in St.
Mary s,
Newington
Butts, by 29
G. 2. c. 42.

By 29 Geo. 2. C. 42. f. 14. The payment of any affessment directed to be raised by this act, (which is an act for enlarging the churchyard of the parish of St Mary Newington Butts, in the county of Surry) shall not intitle any person what-soever, to gain any settlement in the said parish, who was not before legally intitled to such settlement.

Nor in St.
Mary le
Bone, Middlesex, by 29
G. 2. c. 53.

By 29 Geo. 2. c. 53. f. 26. No person who shall pay any of the rates made by virtue of this act, (which is an act for regulating the nightly watch and beadles, and cleansing, enlightning, and paving the streets, &c. and repairing the highways, &c. and regulating the poor within the parish of St. Mary le Bone, in the county of Mid-alifex) or being employed as beadle or watchman, shall

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shall be construed thereby to gain any settlement

in the faid parish.

By 29 Geo. 2-c. 75. J. T5. The payment of Nor in the the rates directed to be made by this act, (which is island of an act for compleating a new church and inclosing Portland, by a cemetery thereto in the island of Portland) shall 29 G 2. c. not intitle any person to a settlement in the said

parifh.

y see

By 29 Geo. 2. c. 87. f. 35 No person shall, Nor in St. by paying any rate made by virtue of this act, John's, Wapping, St. (which is an act for regulating the nightly watch paul's, Shadand beadles within the parishes of St. John, Wap-well, Sc. by fing, St Paul, Shadwell, the hamlet of Ratcliffe, 29 G. 2. c. the parish of St. Ann, and the precinct of Well 87. Close in the liberty of the tower of London) shall be intitled to any settlement in any of the said districts.

As to orders for removal, an order for removing Orders for rea poor person to a place which the order mentions moval of poor to be, as the justices are informed, the place of bozo made, his last settlement, is not good, except it says the &c. information is upon oath; but if on appeal the order is confirmed, it is good. 5 Mod. 325.

An order for removal of a poor person was An order quashed because there was no judgment of the ju quash'd. sices concerning the last legal settlement; but only

the oath of a woman, &c. 2 Salk. 485.

A fettlement by order of justices in fessions upon Sessions order an appeal is good and binding; but if it do not good on apappear that the cause came before the justices by peal, way of appeal, it may be quash'd, for without

that they have no jurisdiction. Ibid. 481.

If a poor family, after an order of sessions for persons retheir removal, on appeal, return to the parish turning to be from whence they were removed, the sessions must removed back see their order of settlement obeyed; though if by order. such poor family go into another parish, not concerned in the appeal, two justices of the peace ought by an original order to remove them to the parish where they were settled by the sessions order.

2 Salk. 48, 489.

Orders bind-The order of two justices not appealed from. ing, &c. binds the parish upon which it is made, 'till a new fettlement is gained. An order reverled is final only between the parties; but an order confirm'd.

&c. is final to all the world. Ibid.

Defects in oron appeals.

On appeals to i flices in their fessions, they are ders redified to cause defects in form in orders, to be rectified without charge, and then determine the matters. &c. And no certiorari shall be allowed to remove the fame into B. R. without entering into recognizance of 50 l. to profecute with effect, and pay costs, if judgment affirm'd; and on refusal, or not performing it, the justices to confirm their order. Stat. 5 Geo. 2. c. 19.

An order to remove a perfon to bis place of fettien:ent.

T7 Hereas it appears to us W. B. and J. S. Elgrs. two of his majesty's justices of peace for the county of, &c. (the faid W. B. being of the quorum) on the complaint of A. B. C. D. F. G. &c. churchwardens and overfeers of the poor of the parish of, &c. in the county aforefaid, that L. J. being on, &c. fettled in the parish of, &c. is now come into the faid parish of, &c. to endeavour to obtain a settlement in the faid parish, not having done any act as the law requires, to make him a parishioner there, whereby he is likely to become chargeable to the parish of, &c. aforesaid. And whereas it appeareth by the oath of, &c. that the faid L. J. was last legally fettled at the parish of, &c. which we do adjudge accordingly: Now we the aforesaid justices do hereby order the faid L J. forthwith to remove and depart out of and from the parish of, &c. to the said parish of, &c. the place of his last legal settlement; and that in default thereof, you the constable

constable of, &c. do convey him the said L. J. unto the said parish of, &c. and deliver him to the churchwardens and overseers of the poor there, or some or one of them; hereby also requiring you the said churchwardens, &c. of the said parish of, &c. to receive the said L. J. as your lawful parishioner, and provide for him accordingly. Given, &c.

The overseers, or one of them, by order of a-70 advertise ny two justices, are to insert an advertisement in susper-some publick paper, describing any susper-some public paper, some publi

and the test pages of the cape, her established

Cold Yazena ol

TOOK ONLY to stabilished door

Marchia - And district there a

SURVEYORS, &c.

Of Surveyors of the Highways, and Scavengers, their particular Business, &c.

BEFORE I come to the office of surveyors of the highways, I shall let you know what are highways, and what are private ways in the eye of the law.

What are bigbways law.

And first, any cart, horse, or foot-way, comby mon to all people, in the king's highway; (whether it directly lead to any market town or not) and a nusance in any of the said ways is punishable by indictment. 6 Mod. 255. And if there be an highway in an open field, when the fields are bad in the winter, travellers may go on the outlets of the lands adjoining, being warranted by custom: For the king's subjects are to have a good passage, and such outlets are parcel of the way. Rol. Abr. 390. Dalt. 98.

In a highway the king bath but the free passage for him and his people; but the freehold, and all

the profits are to the lord of the manor, and he may have an action for eating the grafs, or for

trees taken away, &c. Dalt. 76.

A private way is that which leads from a vil- What are prilage, &c. to the parish church or fields, without wate ways. any communication with a great road; which is to be repaired by the village or hamler, and sometimes by a private person (contra of highways, the whole parish shall be charged). If such a way be out of repair, every inhabitant may bring an action; and for stopping the way to the church, they may have an action upon the case. Ventr. 208.

All highways of common right are to be re- How both repaired by the inhabitants of the parish in which paired of comthe way lies; unless there be some special matter mon right. to fix the repairs upon others; as where a person by an inclosure streightens a highway on both . fides, though the parish repaired it before, yet now he is obliged to maintain it at his own charge; but if he lays open the inclosure, so that the way remains as it did before, then the parish is to repair it again. Cro. Car. 366.

It was refolved, That all the country ought to repair a highway where no particular persons are bound to repair, because the whole country have

their ease and passage by it. Co. Rep. 13.

A person may be obliged to repair a way by Particular tenure of lands. A particular person may be persons bound bound to repair a highway by prescription; and to repair.

so may a corporation. Latch Rep. 206.

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The king by the common law might award his King's comcommission for amending the highways and bridges mission to athroughout the realm. Dalt. 77. And no high- mend ways, way can be changed, &c without the king's writ of Ad quod damnum, and licence thereupon, on inquiry whether it will be prejudicial to the publick, Gc. Cro. Car. 267.

I A.B.

Surveyors of

A prefentent of a bigbway's being out of repair.

A. B. surveyor of the highways of and within the parish of, &c. in the county of, &c. do hereby present, that the highway leading from, &c. to, &c. in the faid parish, is very much out of repair, and dangerous to all travellers who pass that road, and that the inhabitants of the faid parish of, &c. ought to repair and amend the fame.

A. B.

What is a plough-land. What repairs will not difsbarge perfons.

A plough-land was formerly an hundred acres; fince eighty acres of land.

And where defendants have made a highway as good as it is capable of being made, it is faid this shall not discharge them, on an information; though it may be a mitigation of their fine. 3 Salk. 183.

And what will.

But the defendants are not bound to put the highway in better repair than it has been time out of mind. Salk. 358.

Form of a ante or affollment for tepairing of bigbrungs.

Rate or affestment made on the inhabitants of the parish of, &c. in the county of, &c. for the repairing and amending of the highways in the faid parifh, the year, &c.

		1.	1.	d.
A.	B. Efq;	0	7	0
	D. Gent.		5	
E.	F. Yeoman.	2-140	5	15,755.0
G.	H. &c.	O		
	K. &c.	Mark Company	4	

What publick nusance.

Injuries to highways, as laying logs of timber, erecting gates therein, or making hedges overthwart them; digging ditches, or fuffering ditches adjoining to the highway to be foul, which render the way less commodious to the king's people, are publick nusances at common law, and also by the statetes. Hawk. Pl. Cr. 212.

The foil of highways belongs to him whole Hedges and land it is on each fide. And in whosoever's ditches by ackem re-

ground

ground or fide a hedge shall be, to the owner of paired and that land belongs the keeping of the same hedge, scured. and the ditch adjoining and belonging to it on the other fide, in repair and scoured. 2 Leon. 148.

Surveyors shall give an account upon oath, at a Surveyors to fpecial fessions, of all monies that come to their account. hands, and how disposed, &c. And if any remains, they are to deliver it over to the next furveyors, or forfeit double the value of what shall be in their hands.

Stewards of leets have power to inquire into the breach of the Stat. 2 & 3 P. & M. c. 8. for repairing of highways, and to fet fines, &c. 2 & 2 P. & M. c. 8.

In indictments for not repairing a highway, it Indictments must be laid to be the king's highway for all the bow laid. king's liege people; and fet forth from what place to what place it leads, Ger Style's. Rep. 356.

Where inhabitants of two adjoining parishes are Against inindicted, the indictment ought not to be joint, but babitants of feveral: And if it be against persons in a harder within a parish, it will be quashed; because such hamlet cannot be charged to repair the highways, except it be by prescription, but the whole parish. Style, 157, 163.

In a trial concerning repairs of highways, those Trials, &c. who are chargeable to the repairs shall not be admitted as evidence; but a person in the parish no way liable to fuch reparations, will be a good witness. See Gilb. Evid. 128.

At a special sessions held for the bighways on, &c. at the bouse, &c.

W E whose names are hereunto subscribed be Appointment ing justices of the peace in the country of, by justices of &c. do hereby appoint A. B. of, &c. (one of the peace. persons mentioned in a lift this day returned to us by C. D. constable of, &c.) surveyor of the highways in the parish of &c. aforesaid, for and during Y 3

the space of one whole year next ensuing the date hereof, according to the form of the statute in that case made and provided. Given under our bands and feals, &c.

7. 5.

A quarrant to levy the forfetture for refusing to ferve the office of a fur veyor.

Midd. J. TT Hereas A. B. of, &c. was at a special sessions held on, &c. lawfully appointed to ferve the office of surveyor of the highways, in and for the parish, &c. aforefaid, for the year ensuing; and it having been duly proved before us, that the faid A. B. had notice thereof within fix days after the same, and that he hath refused to take upon him the said office, whereby he hath forfeited the fum of 5 /. one moiety to be paid to, &c. who hath informed us of the faid offence, and the other moiety to be applied towards the repairing the highways; Thefe are therefore to command you to levy the faid forfeiture of 5 1. on the goods and chattels of the faid A. B. by distress and sale, to be paid and employed as aforesaid; and that you do forthwith return to us or some other justices, &c. the names of other persons within your parish, fit to ferve the faid office of furveyor, that the business of the highways may not be neglected. Given, &c.

A warrant against a fufing to ascount.

T / Hereas it hath been duly proved before us-T. D. and F. S. elgrs, two of his mafurveyer, re- jesty's justices of peace for the county aforesaid, that A. B. of, &c. surveyor of the highways in and for the faid parish hath neglected to give an account upon oath, at any special sessions, of the money which hath come to his hands, and which ought to be employed in amending the highways, and how he hath disposed thereof, so that for such his neglect he hath forfeited the fum of 40s. Thefe are therefore to command you to levy the faid forfeiture, &c. a diagram at 20f

Of Scavengers.

By 20 Geo. 2. c. 33. feet. 8. Collectors of the rates affeffed by this act are exempted from ferving as scavengers, which act is for enabling the parishioners of the parish of St. Andrew, Holborn, in the city of London, and county of Middlesex, to purchase a convenient piece of ground for an additional burying ground for the use of the said parish, and to enable the said parishioners to raise such sum and sums of money as shall be necessary for that purpose.

Scavengers every day, except Sundays or holi- To fend one days, are to bring their carts into the streets, and their carts, give notice by a bell, or otherwise, of carrying away &c. dit, and to stay a convenient time, or shall forfeit 2 l.

The inhabitants in London, Westminster, Ken-People to sington, Southwark, and within the bills of mor-sweep their tality, are to sweep their streets every Wednesday doors, and Saturday, or they forfeit for every neglect three shillings and four pence. This is increased to ten shillings by Stat. 8 & 9 W. 3. c. 37.

Persons laying dirt, &c. in the streets before Laying dirt, their houses, are liable to 54. penalty; and laying &c. in the ashes, dirt, &c. before the houses and walls of fireets. others, or before church walls, or throwing any Penalty, noisome things in the common sewer, highway, or private vault, forseit 1 s.

And hooping of cleaning vessels in streets Working, lanes, &c. mending coaches, or sawing timber or &c. stones, throwing out dung, soil, &c. likewise incur a forfeiture of 1 l.

But justices in their petit sessions may give scavengers liberty to lodge their dirt in vacant places where to near the streets, satisfying the owners for the damage; lodge their and if the demands of the owners are unreasonable, dirt. the justices have a power to moderate the price.

Inhabitants of houses are to keep the streets, paving of lanes and alleys before their doors paved to the freets, &c. middle of the highway, or shall forfeit for every

perch.

perch or rod 1/. and if not amended, 20 s. 2 week, 'till done; owners of houses unoccupied,

are liable to like penalties.

New ways.

Penalties of

defaults.

One justice may certify to the fessions what newways are fit to be paved; and owners and inhabitants of houses new built, not paving or amending the ground before their houses, forfeit 2 1. for every perch or rod, and the like per week for delaying. But when paved, they are only subject to the fame penalty as others.

Justices of Middlesex may at their quarter seffions make rates for paving Kenfington, &c.

Seavengers rates.

The justices in sessions may order an affessment to be made, not exceeding 4 d. per pound for lands, and 8 d. for every 20 /. personal estate, every year; and conflables, churchwardens, &c. may make a tax, being allowed by two juffices, to be collected quarterly, and be levied by diffress and fale, &c. if not paid within 14 days.

Hay-market, carts with bay, Frano, &c.

By the flat. 8 & 9 W. 3. c. 17. owners of hay brought into the hay market, are to pay three pence per load, and for ftraw one penny, to fuch as justices of peace shall appoint, towards mending the street called the Hay-market; And no person shall suffer their waggons, carts, &c. to stand in any place within the weekly bills of mortality, loaded with hay or straw, from Mi baelmas to Lady-day, after two o'clock in the afternoon; and from Lady day to Michaelmas, after three o'clock, on pain of 5 s. for each offence.

Carts. &c. wilb three korfes.

In the far. 2 W. & M. fat. 2. c. 8. the 19th maybedrawn fection, as far as relates to the drawing any cart, car, or dray, with two horses only, hath been found inconvenient; therefore it is enacted, that any perfon whatever may make use of any cart, car, or dray, as aforesaid, drawn by three horses. Stat. 18 Geo. 2. c. 33. fea. 2.

Any person making use of any such cart, &c. drawn by more than three horses, shall be liable to the penalties by the faid act directed to be in-

And not more.

AiRed

flicted on persons using any cart, &c. drawn with more than two horses. Same stat. sect. 3.

No person shall drive any cart, car, or dray, of Carts to be any kind whatsoever, within the cities of London numbered. and Westminster and suburbs thereof, the borough of Southwark, and other streets within the bills of mortality, unless the master or owner of such cart, & e. shall place upon some conspicuous part of such cart, & e. the name of the owner and the number of such cart, that he may more easily be convicted of any disorder or missemeanor. Same stat.

The owner of every cart, &c. residing within The owners the limits aforesaid, shall enter his name and place name to be of abode, with the commissioners for licensing entered.

hackney coaches. Same flat. feet. 5.

Any person driving any cart, &c. not marked, Penalty. numbered, and entered as aforesaid, shall forfeit 40s. And any person may seize the cart, &c. or any of the horses, and them detain 'till the penalty shall be paid. Same stat. sea. 6.

It shall be lawful for any person using any cart, Breadth, &c. car, or dray, as aforesaid, having the wheels of of wheels, the sull breadth of fix inches, when worn, to have the same bound round with streaks or tire of iron, provided such streaks or tire of iron be of the sull breadth of fix inches, and made flat, and not set on with rose headed nails. Same stat. sett. 7.

Any carman, &c. riding in a cart or dray, not Riding in having another on foot to guide it, forfeits ten carts, a.c. shillings to the informer and the poor of the parish.

Stat. 1 Geo. A. 2 c. 57.

By 24 Geo. 2. c. 43. feet. 8. Carts in London are not to carry beyond the quantities of bricks, coals, &c. appointed, on pain of forfeiting one of the horses, &c. Vide 6 Geo c. 6. In case such driver shall be the owner of the carriage, then any sum not exceeding twenty shillings, to be recovered, levied, and applied as by the said former act of 1 Geo. stat. 2. c. 57. concerning the ten shillings penalty saforesaid.

20 s. penalty on driver riding on bis waggon or cart, &cc. other perfon to conduct it, or caufing any damage, or obstructing the paffage. or being empsy, not giving way for. enaches or loaded carriages.

By 30 Geo. 2. c. 22. fed. 9. if the driver of any waggon, cart, car, dray, or other carriage' on any publick highway; shall ride upon any such carriage, not having some other person on foot or without some on horseback to guide the same, (such carriages as are drawn by one horse only, or by two horses abreast, and are conducted by some person holding; the reins excepted) or if the driver of any carriage whatfoever, on any of the faid highways, shall, by negligence or wilful mifbehaviour, cause any hurt or damage to any person passing or being upon fuch highway, or by negligence, &c. prevent, &c. the free passage of any other carriage or of his Majefty's subjects on the faid highways, or if the driver of any empty or unloaded waggon, cart, or other carriage shall refuse or neglect to turn aside and make way for any coach, chariot, chaife, loaded waggon, cart, or other loaded carriage, he shall on conviction, by confession or oath of one witness, before one justice, forfeit any sum not exceeding twenty shillings, by distress; for want of sufficient distress, to be committed to the house of correction, or some other prison of the place where the offence shall be committed, or the offender shall der to be com- be apprehended, to be kept to hard labour for any time not exceeding one month. See 27 Geo. 2. c. 16 fett 7.

To be levied by diffress and fale, and for want of diftress offenmitted.

Application for offences on the bighways.

Offender being apprebended, and not discovering his name and place of committed.

By feat. 10. the faid penalty to be half to the of forfeitures informer, and half to the furveyor of the highways in the parish where the offence shall be committed, to be by him applied in the repairs of the

highways within fuch parish.

By f.a. 11. if any person apprehended for any offence against this act, shall refuse to discover his name and place of abode to the justice before whom he shall be brought, he shall be immediately delivered over to a constable or other peace abode, to be officer, and shall by him be conveyed to the common gaol; or house of correction of the place where the offence shall be committed, there to re-

main until he shall declare his name and place of abode to the faid justice, or to some other justice of fuch place.

By /cat. 12. the forfeitures to be levied by diffres, Pecuniary by warrant of fuch justice, and to be half to the forfeitures not before proviprofecutor, and half to the overfeers of the poor ded for, to be for the use of the poor of the parish or place levied by diwhere the offence shall be committed, or the of stress and sale fender shall be apprehended; and if there be no of the offen-overseers in such parish, &c. then to some other application officer of fuch parish, &c. for the use of the poor thereof. of fuch parish, &c.

By feet. 13. any person who shall see any offence Offenders may committed against this act, may, by the authority beapprebendof this act, and without any other warrant, ap-ed by any perprehend the offender, and shall with all conveni- fon feeing the ent speed convey or deliver him to a constable, mitted. or other peace officer, of the place where the of- 24 Geo. 2. fence shall be committed, or the offender shall be 6 43. J. 9. apprehended, in order to be conveyed before a 27 Gco. 2.

By feet. 14. any person shall be admitted to be Inhabitantsof an evidence, notwithstanding his being an inha- place where bitant of the place where the offence shall be com- offence committed.

justice, there to be dealt with according to law.

Ry sett. 15. persons punished by this act shall witnesses, not be punished by any former law. Defendant nished by this may plead the general issue, and give this act and act, not puthe special matter in evidence; and if the plain. nishable for tiff be nonsuited, or discontinue his action, after the same of-desendant has appeared, judgment shall be given other. against the plaintiff, and defendant shall recover Generalissue. double costs, for which he shall have the usual Double costs. remedy.

The statute of 12 Geo. c. 25. appoints commis- St. James's fioners and trustees to clean and repair St. James's square, bew square, and continue the same cleaned; who may repaired. employ workmen, labourers and carters, & c. for c. 25. that purpose.

mitted, legal

Rates made on boufes, &c.

Rates to be made and affeffed on houses, at so much per foot in front, not exceeding 10 s. a year, leviable by diffres, &c. The trustees, by writing

pointed.

Collectors and under their hands, shall appoint a collector and rereceivers ap ceiver of the rates, and they are to account upon oath, before justices of peace, &c. and if they refuse to pay the money to such persons as the trustees order, the justices of Westminster, at a special fessions, may commit them to gaol till paid.

Truftees to direct distreffes, or bring actions.

Three or more of the truftees may direct the collector, with affiftance of a constable, to enter houses in the day time, and distrain goods of perfons refusing to pay the rates, and fell the diffress in five days, if not replevied; or if a distress be not proper, the trustees may bring action at law for money payable.

Annoying the fquare, &cc. Penalty.

Persons annoying the square with filth, being convicted before one justice of peace, incur 20 s. penalty; to be levied by virtue of the juffice's warrant; and making any incroachment on the square, shall forfeit 50 1.

The Square a distinct ward.

The East, West, and North parts of this square, &c. shall be a distinct ward, as to scavengers rates only, and be exempted from paying any other rates.

Lincoln's Inn Fields, to be inclosed and kept clean. 8 Geo. 2. c. 26.

The statute 8 Geo. 2. c. 26. enacts, that the proprietors and inhabitants of Lincoln's Inn Fields, shall chuse among themselves trustees to direct the inclosing of the square; who may employ artificers, &c. for doing thereof, and removing all annoyances, &c.

And yearly rates paid to shem.

And yearly rates shall be made on all houses, not above 2 s. 6 d in the pound, payable to the truftees, or whom they shall appoint to receive and collect the fame, part by landlords, and part by the tenants, to be levied by diffress and fale of goods, &c. And the square called Lincoln's Inn Fields, and back streets are to be a distinct ward, as to the scavengers rates and watch, If

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If any person annoy the fields with any filth, Annoyances, they shall forfeit 20 s. and be committed till re-increachment, moved; making any incroachment, is liable to penalties of. 50 /. penalty; and persons assembling to use sports, ride horses, or breaking fences, &c. to forfeit 40 s. leviable by a justice of peace's warrant.

The trustees to raise 6000 l. may grant annui- Annuities ties, or borrow the money at a certain interest, grantable.

Gr.

By 10 Geo. 2. c. 15. proprietors to meet on Red Lyon 15 July in Grey's Inn, to chuse trustees, who are Square. to direct the adorning of Red Lyon Square in the 10 Geo 2.

county of Middlesex. Sett. 1.

And may remove any foil, or cut down trees, Ge. and prevent annoyances, 20 s. penalty on persons annoying the square, to be levied by dithrefs; offender to be fent to the house of correction till he removes such nusance. Persons gaming in, or breaking the fences of the square, shall for-

feit 40 s. or be fent to the house of correction for one month, Sect, 2.

Trustees empowered to assess 1:, 6 d. in the pound on the inhabitants, according to the landtax affessments for 1736, the manner of payment and application of the monies. Sca. 3.

After 24 June 1737, owners to pay for unte-

panted houses, &c. Seat. 4.

Tenants to pay for landlords, and deduct it out of the rent. Trustees to determine differences. Sett. 5.

Their meetings appointed: Sea. 6.

Collector, &c. to be chosen by them, who shall account on oath, if required, or be committed to

gaol. Sect. 7.

Persons refusing to pay what they are rated at, their goods may be distrained, and if not replevied in five days, be appraised and fold, leaving the overplus in the sheriff's hands for the owners use. S. Ct. 8.

After 24 June 1737, the square, &c. to be deemed a distinct ward, and not liable to scavengers rates, &c. Sea. 9.

born, discharged from cleaning it, &c. sea 10.

Trustees may grant annuities on 1000 l. for 32 years, after the rate of 6 l. per cent. per ann. and for one life at the rate of 8 l. per cent. per ann. Application of the monies. Sec. 11.

Books to be kept for registering the monies advanced on the annuities, &c. Security for payment of them, which shall be affignable, and free

from all taxes. Sea. 12.

Trustees may raise the monies in the way they think most proper, but shall not pay more than 4 l. per cent. per ann, Sect. 13.

Trustees dying, refusing to act, new ones may be elected; their disqualification. Sect. 14.

Forfeitures to whom to be paid, and how to be applied, Sea. 15.

Limitation of actions. Seat. 16.

This to be deemed a publick act. Sect. 17.

By 10 Geo. 2. c. 22. common council to determine the number of officers within the city of London and liberties thereof, for making more effectual the laws now in being for paving and cleaning the fireets and fewers in and about the faid city. Sca. 1.

And to appoint rates to be collected quarterly. Diffress on non payment, or imprisonment. Sect. 2,

Appeal in case of grievance. Sea. 3.

Aldermen, &c. of each ward to make orders and regulations within their respective wards. Scal. 4.

Ten pound penalty on collectors refusing to act.

Their duty and penalty on default. Sect. 9.
Persons not paying the rates incapacitated to vote at elections. Sect. 10.

Deputy's charge. Sect. 11.

Lord

Len'on.

Taring
freets.

10 Geo. 2.

Lord mayor or justices of peace are to try offences against this act, and to levy penalties by distress. Sea. 12.

Or mitigate them. Sea. 13.

Appeal from the lord mayor to the justices at their quarter-fessions. Sea. 14.

Penalties, how to be applied. Sect. 15.

Deficiency in rates, how to be supplied. Sea. 16. Houses let out in lodgings, how to be affested. Sea. 17.

Persons rated not liable to any watch. Sed. 18. Assessments on untenanted grounds, &c. how to

be made. Seat. 19.

Taxes on vacant grounds, &c. to be paid out of the city cash, and repaid by the next occupier. S. a. 20.

Posts to be set up for soot passengers. Sec. 21. Limitation of actions; treble costs. Sec. 22. This to he deemed a publick act, Sec. 23.

By 11 Geo. 2. c. 35. the veltry to appoint a Christ proper number and fort of lamps within the parish Church in of Christ Church in the county of Middlesex; and Middlesex, to make regulations and contracts. Sect. 1.

Vestry empowered to make a pound rate on the 11 Gco. 2. inhabitants; to be collected quarterly or halfyearly; distress in case of resulat of payment, or for want of distress imprisonment. Sect. 5.

Collectors refusing to act to forfeit 10 1. their

vacancies to be supplied. Sea 6.

All publick buildings (hospitals excepted) to be rated by the vestry. Sect. 7.

The officers of such buildings to pay the rates. $\delta \epsilon \theta$, 8.

The same not to exceed 8 d. per pound. Seet 9. Persons aggrieved may appeal to quarter sessions. Seet. 10.

Collectors to pay the monies to such persons as the vestry shall appoint; and twice in every year, or oftener, make an account and payment, on pain of imprisonment. Sect. 12.

L 2

Deficiencies

Surveyors of

Deficiencies to be made good out of the next year's rate; furplus monies to be carried to the next year's credit. felt. 13.

Books of account to be kept by the veftry clerk, andto be inspected by any inhabitant gratis.

Sett. 14.

Penalties on breaking or damaging lamps.

Property of the lamps vested in the churchwar-

dens. seat. 16.

Monies embezzled to be reassessed on the pa-

rifh. feat. 17.

Justices empowered to hear and determine offences against this act. feet. 18.

And to mitigate forfeitures to one moiety.

1.8.10.

Persons paying the rates exempt from the penalties of the act 2 W. & M. in relation to hanging out lights to watch and ward. fect. 20.

Limitation of actions; general iffue; treble

cofts. feat. 21.

This to be deemed a publick act. f.a. 22.

By 16 Geo. 2. c. 6. the inhabitants and landlords to meet, and chuse ten trustees for enabling the present proprietors and inhabitants of the houses in Charterhouse square, in the county of Middlesex, to make a rate for raising money effectually to inclose, watch, and clean, and improve the said square, and to continue the same in repair; master, register, and receiver of the Charterhouse, to be three more. sect. 1.

Trustees to improve the square; penalty on persons laying dirt or rubbish; how to levy the same; offender having no goods to be sent to the house of correction; penalty or punishment of

disorderly persons, &c. seat. 2.

Trustees to make assessments; manner of assessing assessments; how to be applied, feel. 3.

Landlords to pay for empty houses, Jed. 4.
Tenant

Charterhousesquare, 16 Geo. 2. Tenant to pay the rates, and deduct the landlord's part out of their rent; trustees, or any seven, to decide differences. sed. 5

Where and when the trustees shall meet. feet. 6. Trustees to appoint a collector, who is to enter his receivings in a book, and account upon oath, if required; the oath to be given without fee or stamp; collector refusing to account, it shall be determined by two justices; and on continuing his refusal, shall be committed to prison without bail. feet. 7.

Tenants refusing to pay the assessments to suffer distress and sale after five days; treble damages for

refishing the officer. Jest. 8

Trustees may bring actions in their own names, or their collectors, and recover with full costs.

On wrongful feizures or actions, the injured

party to have his full costs. feet. 10.

The square and courts to be deemed a separate ward, in relation to paving, watching and clean-fing. set. 11.

Proviso. Jeat. 12.

Truftees may borrow money on annuities, which

are to be paid half yearly. feet. 13.

Books of register to be kept; on default of paying the annuities, the rates to be vested in the annuitiants; annuities to be transferrable and free from taxes. I.A. 14.

Trustees may borrow money at interest, if they

think fit, at four per cent. fect. 15.

None to be trustees longer than they are proprietors or inhabitants. feed. 16.

Trustees disqualified; others to be chosen. fed.

The master, register, and receiver of the Charterbouse, always to be three of the thirteen truflees seet, 18.

Application of the penalties, fed. 19.

Z 3 Limitation

Limitation of actions; general issue; full costs.

This act not to affect the governors of the Charterhouse. sect. 21.

To be deemed a publick act. fea. 22.

Liverpool. Lamplighters, &c. 21 Geo. 2. c.

By 21 Geo. 2. c. 24. Lamplighters and scaveningers to be appointed annually in the town of Liverpool in the county palatine of Lancaster. sea.

Who are to obey the directions and orders of

the commissioners. fett. 36.

Inhabitants to cause the streets to be swept twice a week, under penalty of 5 s.; no rubbish or other annoyance to be thrown in streets under penalty of 10 s. soil, and other filth, to be kept till the sca-

vengers take it away. feet. 37.

Scavengers to come twice a week for the dirt, and to give notice of their coming, and carry away the sweepings of the streets, under penalty of 201, rubbish occasioned by building to be carried away by the owners. see. 38.

Commissioners to hire places for laying the soil

on. Sea. 39.

And to direct the number and disposition of the

lamps, &c. fett. 40.

Two affessors to be appointed, who are to make yearly or other rates, to be allowed and figned by the justices; two collectors of the rates to be appointed; penalty on refusing to serve in the said offices; the rate subject to the money borrowed for carrying on the works; rates, by whom payable; on non-payment thereof to be levied by distress and sale. feet. 44.

The whole of the rates taxed on the premisses

to be paid by the occupiers. fed. 45.

Differences between the feveral occupiers of the fame house concerning the rates, by whom to be adjusted. Jea. 46.

Rates due by persons who have removed, how

to be recovered. feet. 47.

Collecton

Collectors to account upon oath, and pay over the balance; and in default, the fum to be levied by diffres; and where sufficient diffres cannot be had, the person to be committed. feet. 49

If the money received by any collector be loft,

a new affessment to be made. fed. 50.

Property of the lamps vested in the corporation.

fett. 51.

Scavengers, and other officers names and watch, to be entered in a book, and copies of all orders, and all money raised and paid. fed. 52.

Mayor and justices to give orders for removing

publick annoyances. feet. 53.

Carriages not to remain longer in the fireets than they are loading. fed. 54.

Commissioners to contract for the lamps; and for carrying away the dirt in the streets. Jest. 55.

Commissioners to direct the application of the monies; deficiencies of the rates, how to be made good; surplus money, how to be applied. fea. 56.

Penalty on persons breaking, &c. the lamps.

Sect. 57.

Mayor and justices to hear and determine offences punishable by pecuniary penalties, &c.

Sett. 59.

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Penalties and forfeitures, how to be recovered and applied; for want of distress, the offender to be committed. fed. 60.

Power of mitigating the penalties, sed. 61.

Regulations in the appeals of persons aggrieved.

Persons appointed to preside at every meeting of the commissioners. sea. 63.

Limitation of actions; general iffue; costs of fuit. feat. 64.

Proviso. feet. 65.

To be deemed a publick act. fea. 66.

By 23 Geo. 2. c. 18. the vestry to appoint the St. John Southwark, number and fort of lamps within the parish of St. Lamps, &c. John, 23 Geo. 2.

John, Southwark, in the county of Surry; to fet down, &c their several duties and wages. fet. 1.

The vestry may make regulations for enlightening the streets; and contract for the same, and elect a committee $\int \mathcal{A}$. 2.

Copies of such regulations to be signed and de-

livered to the constables, &co fet 4. (12)

Vestry empowered to make a pound rate on the inhabitants, to be confirmed by two justices, and collected half yearly; on non payment, the same to be levied by distress and sale; and for want of distress, the party to be committed feet. 7.

Collectors refusing to act to forfeit 10%. and

others to be appointed, &e., fed 8.

Persons exempted from serving the office of col-

lectors, &c. fed 9.

The parish church, and other publick buildings and persons to be rated. fed. 10.

Affessments not to exceed tod. in the pound.

fill. 11. believed or wed green in

Persons aggrieved may appeal to the quarter-

festions. fest. 12.

Collectors to pay over the monies to such perfons as the vestry shall appoint; and make up their accounts twice a year, upon pain of imprisonment. J. Cl. 14.

Vestry may borrow money upon the credit of

the rates, not exceeding 2001. feat. 15.

Charges of passing this act to be first paid, fed.

Deficiencies to be made good out of the next year's rate; surplus to be carried to the next year's account. $\int a$. 16

Books of account, and of all orders and proc edings to be kept and deposited with the vestryc'erk; and copies thereof may be taken. feet. 17.

Penalty of breaking or extinguishing lamps, &c.

Which are vested in the churchwardens, &c.

Monies

Monies embezzled to be reassessed on the parish.

feat. 20

Two justices to hear and determine offences against this act: and to summon and examine witnesses upon oath; and to levy the penalty by distress and sale; for want of distress, the offender to be committed; forfeiture, how to be applied. sed. 21.

Justices may mitigate the penalties to one moiety.

fett. 22.

Persons paying the rates exempted from the penalties of the act, 2 W. & M. in relation to hanging out lights. fell. 23.

Limitation of actions; general iffue; treble

colts. feet. 24.

This to be deemed a publick act. feat. 25.

By 24 Geo. 2. c. 26. Trustees appointed to put Bethnalthis act in execution for cleansing and enlightening Green. the open places, streets, and other passages in the Cleansing, parish of St. Matthew, Bethnal-Green, in the &c. streets, county of Middlesex; on death, &c. of trustees 2. c. 26. others to be chosen; first meeting of trustees, &c.

Their qualification; penalty of acting if not

qualified. feet. 2.

Accepting of any office under the truft, &c. dif-

qualified from acting. fea. 3.

Scavengers to be appointed yearly, and their duty; penalty of their neglect of duty, &c. and of owners not removing the rubbish, &c. occasioned by building; allowance to be made to the scavengers. sect. 4.

Streets, &c. to be swept on Tuesday and Friday weekly; penalty of throwing soil, &c. in the streets, &c. soil, &c. to be kept and delivered to

the scavenger. feet. 5.

Trustees order the number and fort of lamps,

Ce. and headboroughs. J.A. 6.

Property of the lamps and materials veiled in the truftees. feet. 11.

Penalty

Penalty of breaking, &c. the lamps, &c. appli-

cation of the forfeiture. f.a. 12.

Ra es to be made for the defraying the expence of this act; which are to be collected quarterly. f.d. 13.

Colectors of the rates to be appointed, &c. rates may be levied by diffress and sale; for want of diffress, the offender to be committed. [ca. 14.

No person to serve as collector oftener than

once in feven years. feet. 15.

Rates to be paid in proportion to the time the person's removing from, or coming into any house, occupied the same, &c. sea. 16.

Houses let out in lodgings or tenements to be

rated, &c. fett, 17.

Arrears of rates, how to be levied and reco-

vered. feet. 18.

Rates may be levied by diffress and sale in any county, &c. set. 19.

Persons aggrieved may appeal felt. 20.

Collectors to account upon oath, and to deliver in their books of accounts, and pay over the monies in their hands, under penalty of being committed; trustees may levy the sums remaining in the collectors hands by distress and fale; and for want of distress, may commit the offender till payment or composition be made. [A. 21.

If any money be loft an additional rate to be

made. feet. 22.

Application of the rates. feet. 23.

Five hundred pounds may be advanced for the purchase of annuicies at the rate of 81 per cent. per ann. annuities to be publickly sold, &c. feel 24.

Annuities charged upon rates and deemed indefeafible estates, not chargeable to the land tax; receipts and orders for payment to be signed and given to the contributors. feet, 25.

Annuities may be affigned toties quaties as annuitants die; the rates to be lowered. f. a. 26.

Charges of this act to be first paid. J. B. 27. Collectors

Collectors removing, dying, mishehaving, infolvent, others to be chosen; collectors removing to account, &c. executors of collectors to deliver over monies and books. sec. 28.

Trustees who are in the commission of the peace for the county of Middlesex may act as justices;

application of the forfeitures. feet. 30

Justices may mitigate the penalties or forfeitures.

Persons aggrieved by the judgment of the ju-

flices may appeal. feet, 32.

Books to be kept for entering trusees names, orders, assessiments, payments, and annuitants, &c. which may be seen gratis. see.

Diffress made by collectors not to be deemed illegal for want of form in the warrant of his ap-

poirtment, or in the rate, &c. Jed 31.

Flaintiff recovering to have full costs; but not to recover where tender of amends was made, &c. feel. 35.

Persons paying to the rates discharged from the penalties of the act of 2 Will. and Mary, and of the slatte of Winch ster. sect. 36.

Limitations of actions; treble costs. fed. 37. This to be deemed a publick act. fed. 38.

By 24 Geo. 2. c. 27. Meeting of the proprietors Goldenand inhabitants to chuse trustees, who are to dis Square. rect how Golden-Square in the parish of St. James, 24 Geo. 2, Wishminster, in the county of Middlesex, shall be inclosed, and ways paved, and the number and fort of lamps, and where they shall be placed.

Power given to dig and carry away soil, and to dig and use gravel and other materials; and to employ persons for fencing and beautifying the square, and to collect the rates and to pay salaries, Sc. and to prevent and remove all annoyances, Sc. and to put down encroachments, and to issue precepts for the same; persons annoying the square by silth or otherwise, Sc. to sorfeit 201. Sc. ju-

flices

flices to issue warrants for apprehending such offenders, &c. persons making encroachments on the square to forseit 301. &c. Persons removing or breaking down, &c. the inclosure, or breaking any lamp, &c. to forseit 40 s. &c. hackney coachmen plying for a fare within the square to forseit 10s. &c. sect. 2.

Trustees may give liberty to make inclosures for the building or repairing of houses, &c. fect. 2.

Yearly rates to be affessed on the proprietors and inhabitants of houses in the square not to exceed 40 s. for every foot of the house towards the square; one moiety to be paid by the tenant, and the other by the landlords; first payment. see. 4.

Houses standing untenanted, or occupied by a foreign minister, &c. the landlord to pay the

whole rate. feet. 5.

Tenants to pay the whole rates, and deduct the landlord's proportion out of the rent. feet. 6.

Three trustees to hear and determine differences concerning the rates, or other matters. fed. 7.

Who are to meet on the first Monday in December and March yearly, &c. feet, 8.

Trustees to chuse a collector and treasurer.

fett. 9.

Collector to pay over the monies to the treasurer; and enter an account of all monies received, and to account upon oath, if required. [ed. 10.

Penalty on either of them not making account

and payment feat. 11.

Rates to be levied by distress and sale, &c. sect. 12.

Penalty on rescous or tortious taking away, or detention of the distress; and the method of suing. set. 13.

If distress shall be made where there is no money due, &c. the defendant to recover full costs.

fett. 14.

One thousand two hundred pounds may be advanced for the purchase of annuities for thirty two years,

years, or life of a fingle person, at the rate of 61. per ann. for thirty two years, or 71. 10s. for a fingle life. feet 15.

Application of the monies. feet. 16.

Books to be kept for registering the monies advanced, &c. rates charged with the annuities; annuitants may sue for arrears. sea 17.

Annuities deemed personal estates, and may be

transferred. feet. 18.

Assignees may assign toties quoties; annuities devisable by will, and free from all taxes. fea. 19.

Trustees may borrow money on the rates instead of granting annuities, or may grant annuities in part, and borrow money in other part; interest not to exceed 4 l. per cent. per ann. sect. 20.

Power of electing trustees in the room of fuch

as shall die. fett. 21.

Trustees who shall aliene, or inhabitants remove out of their houses in the square, cease to be trustees, &c. sect. 22.

Limitation of actions; general iffue; full costs.

Set 23.

This to be deemed a publick act. seet. 24.

By 28 Geo. 2. c. 37. Persons holding any office St. Barthounder the trust disabled from acting as trustees. lomew the Great, London. Lamps,

First meeting of the trustees; notice to be given &cc. 2 Gco. of future meetings; trustees to defray their own 2.c. 37.

expences. feet. 2.

Trustees to order annually the number of lamps within the parish of St. Bartholomew the Great, London. fect. 3.

Property of the lamps, &c. vested in the tru-

flees. Sett. 9.

Penalty of damaging, &c. the lamps or furniture; application of the forfeiture. fed. 10.

Truffees may contract for cleanfing the streets.

Penalty on inhabitants not sweeping the streets before their houses on Tuesday and Friday weekly;

a penalty

penalty of throwing dirt, or causing any other annoyance in the streets. Seat. 12.

Rates to be made yearly; not to exceed 1s. 8d.

in the pound. Seat 13.

Collectors to be annually appointed, &c. penalty on refusing to serve; rates subject to money borrowed, &c. and may be levied by distress and sale. sea. 14.

Collectors not liable to serve more than once in

feven years. fcd. 15.

Constables and scavengers not liable to serve,

f.a. 15.

Persons removing from, or coming into houses, to pay to the rates in proportion to the time they occupy the same. Sect. 16.

Houses let out in different tenements; the occupiers to pay the rates; and the landlord to allow the same in his rent. set. 17.

Arrears may be levied by diftress and fale, &c.

feet. 18.

Persons aggrieved may appeal to the quarter-

festions. fest. 19.

Collectors to account upon oath, and deliver in vouchers for the same; penalty of refusing or not paying the balance of their accounts; trustees empowered to compound; notice to be given of a meeting for that purpose. fed. 20.

Application of the rates; deficiencies to be made good out of the next year's rate; furplus to be

carried to the next year's aid. fed. 21.

Trustees empowered to raise 400 l. by annuities not exceeding 8 l. per cent. the same to be paid quarterly. seed. 22.

Rates chargeable with the annuities, which are to be free and indefeafible estates free from taxes; receipts to be given for the farne. Jett. 23.

Annuities may be transferred; entry to be made

thereof Jea: 24.

Or the transfer not to be valid; annuitants dying; the rates to be lessened. Jed. 25.

Charges

Charges of this act to be paid out of the first

monies. feet. 26.

Collectors removing, &c. another to be appointed; collector removing to deliver in and verify his accounts on oath; executors to account. Sect. 27.

Offences, how to be tried and punished; appli-

cation of forfeitures Sect. 29.

Mitigation; penalties. Sca. 30.

Persons aggrieved may appeal to the quarter-

fessions. Sect. 31.

Orders and proceedings, &c. of the truffees to be entered in books; the same to be seen gratis. Sect. 32.

Persons paying the rates exempted from penalties of act 2 W. & M. and act. 13 Edw. 1. Sect.

Limitation of actions; general issue; treble cofts. Sect. 34.

To be deemed a publick act. Sect. 35.

By 29 Geo. 2 c. 35. Churchwardens, overfeers St. Mary le and parishioners, to meet at the court house annu- Bone in the ally upon Tuesday in Easter week, &c. for clean-county of fing, &c. the streets, &c. in the parish of St. Mary Midolesex. le Bone in the county of Middafex. Sect. 1.

Orders not to be repugnant to the laws of the &c. 29 Geo

land. Sect. z.

Committee to choose a surveyor of the highways, and give directions concerning the same; furveyor to report the condition of the pavements; and also nusances and incroachments; allowance to be made the surveyor for his trouble, not exceeding 10/, a year; on death, &c. of furveyor another to be chosen. Sect. 3.

Parishioners to assemble upon notice from the committee, to confirm or let afide the appointments and regulations made by them, and make

others. Sect. 4.

Committee may contract for cleanfing the streets, houses, duft, &c. to be carried away twice a week; Aaz ffreets

&c. Streets, 2. 6. 53.

fireets to be cleanfed every week under penalty of 40s. persons throwing ashes, &c. in the streets,

Gr. forfeit 10 s. Sect. 7.

Upon complaint of nulances or incroachments made in the flreets, committee to give notice thereof to the offender, who is to remove the same, or the expence thereof to be levied on him, and to forfeit 5 s. and 5 s. per diem. Sect. 8

Nusances and increachments made before passing this act, to be removed in the like manner Sect. 9.

No swine to be bred or kept within a certain ditance of the houses, or suffered about the flreets, on pain of forseiture: search may be made for the same, and sale made thereof. Sect.

Parishioners to meet in vestry on Easter Tuesday, &c. annually, and make a rate for the watch not exceeding 4d. in the pound, to be confirmed by two justices, to be collected quarterly. Sect.

And are also to meet on the Thursday in Easter week annually, and make a rate for the highways, and cleansing the streets not exceeding 6 d. in the pound, to be allowed by two justices to be collected quarterly; application of the monies; composition in lieu of statute work to be paid. Sect. 12.

Owners of houses let in separate apartments, &c.

liable to the rates Sect. 13.

Tenant to pay the same, which is to be allowed

in the rent. Sect. 14.

Collectors of the rates appointed, and an allowance made him not exceeding 8 d. in the pound; security to be taken; collectors to render an account, and payment when called upon, and upon refusal to be committed; committee may compound for the sums due. Sect 15.

Posts to be erected for fixing lamps: persons to be contracted with for furnishing the lamps,

which are to burn from fun fet to fun rifing. Se. t. 16.

Penalty of breaking them; parishioners to meet on 29 September annually, and make a rate for the lamps not exceeding 1 s. 6 d. in the pound; perfons putting up lamps at their own expence exempted, giving notice thereof; penalty on their neglect in keeping lamps lighted; collector to be appointed, who is to give fecurity. 'ect. 17.

Regulations concerning the pavements; committee upon complaint made to them to view the condition of the pavement, and make order concerning the same, &c. forfeiture. Sect. 18.

Committee to view what streets, &c. are fit to be paved, and certify the same to two justices, who are to make order accordingly; inhabitants to comply with justices order; penalty. Sect. 19.

Rates on houses let to foreign ministers to be paid by landlord, Sect. 20.

Inhabitants in the out parts exempted fro

Inhabitants in the out parts exempted from rates for watch and lamps. Sect. 21.

Rates may be levied by distress and sale. Sect. 22. Persons to pay to the rates in proportion to the time they respectively occupy the houses charged; disputes concerning the same how to be adjusted. Sect. 23.

Penalties to be recovered by diffres and sale; for want of diffres offender to be committed; application of forseitures. Sect. 24.

Persons aggrieved by the rates to pay the same, and afterwards appeal to the quarter sessions; order to be made thereon by the justices. Sect. 25.

Ficitious duftmen to be committed. Sect. 27.

Penalty on persons casting night soil in any of the streets, &c. committee may order 20s. for detecting the offenders. Sect. 28.

Justices for Middlesex to put this act in execution. Sect. 20.

Perfons paying to these rates not liable to statute-work, &c. Sect 31.

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By

Wanning, Shadwell, Ratchfie, Anne, Mid lefex, epicale, Tower of Long at Paring, to freets, &c. 29 Geo. 2. 46, 87.

By 29 Geo. 2. c. 87. Trustees to be appointed for better enlightning, paving, and cleanfing the streets and other passages, and repairing the high-ways within the parishes of St. John, Wopping, St Paul, Shadwell, the hamlet of Ratcliffe, the parish of St. Anne, in the county of Middlesex, and the precinct of Wellelose in the liberty of the tower of Landon.

On death, &c. of trustees, others to be chosen

by the inhabitants. f. 2.

None to act longer than he shall be an inhabitant of the district for which he acts; general qualification of trustees; penalty on acting if not qualified. f. 3.

No trustee to accept of a place of profit, &c. or be interested in any contract under this ast.

Set A

Times and places of trustees meetings; in default of a sufficient number to act, notice to be given of another meeting, and trustees to defray their own expences. Sect. 5.

Three days notice in writing of the times and places of meeting of the trustees to be given by the churchwardens and affixed on the church-

doors. Seat. 6.

On failure of such notice, five trustees may appoint a meeting, and affix publick notice thereof. S. a. 7.

Truffees not empowered to act, but at a meet-

ing held pursuant to notice. Seat. 8

Trustees to appoint yearly the number of lamps to be erected, and where to be placed, and contract for the lighting, &c. thereof, &c. Sea. 14.

The lamps and their furniture vested in the

truftees. Seat. 15.

Forty shillings penalty on breaking or extinguishing any of the lamps; application of the penalty. S. B. 16.

Trustees may contract for the repair of the roads and cleansing the streets; dust, &c. to be carried

away

away by the scavengers twice a week; notice to be given to the inhabitants for that purpose; 5 1. penalty on scavenger not sweeping and carrying away the soil of the streets twice a week. Sca. 17.

Scavengers not to remove foil, &c. occasioned

by any particular trade. Sed. 18

No ashes, &c. to be thrown into the streets; dust to be kept up till the scavenger come to carry away the same. Sca. 19.

No obstructions or nusance of any kind to be

occasioned in the streets. Sea. 20.

Trustees upon complaint to give notice for the removal of nuisance; and if not removed within ten days, they may cause the same to be done, and levy the expences, besides 40 s. penalty. Sect.

Trustees to proceed in like manner with respect to nuisances caused and not removed before the

paffing of this act. Sect. 22.

. Trustees may hire or purchase lay-stalls for the reception of dust, &c. no nuisance to be caused thereby; todies politick or other persons empowered to contract with the truffees for fale of ground, Gr. for that purpole; on their refusal or disagreement, notice to be given that the rent or value of the premisses will be settled by a jury at the quarter fessions; jury to affess the damage and recompence on oath; jury may be challenged; verdict of the jury and judgment of the justices to be binding and conclusive; where payment or tender cannot be made to the party, or if refused to be accepted, money to be left in the treasurer's hands, and notice given thereof, &c. trustees empowered thereupon to take possession of the premisses; premisses may be again fold by the truflees if they think proper, giving notice of a meeting for that purpole. Sect. 23.

Restrictions with respect to making lay-stalls in

St. Ann's parish or in Ratcliffe. Sect. 24.

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Truftees

Trustees within their respective districts to make rates for the lamps, repair of the highways and cleansing the streets; rates on houses in parish of St. John, Wapping, St. Paul, Shadwell, Ratcliffe, St. Ann and Well Close; rate on lands or garden ground. Sect. 23.

Books of the land-tax may be inspected, etc. to

ascertain the rates. Sect. 26.

Trustees of St. Ann's parish not to rate hamlet of Ratcliffe. Sect. 27.

Trustees may relieve persons aggrieved by the

rates. Sect. 28.

Rates to be paid by the tenants or occupiers, and may be levied by diffress and sale. Sect. 29.

Rates to be paid in proportion to the time the

parties occupy the premisses. Sect. 30.

Owners of houses let out in lodgings to be rated, and occupier to pay and deduct the same out of

the rent. Sect. 31.

Succeeding collector to levy the arrear of rates due to his predeceffor; deficiency in one year's rates to be made good out of the next; furplus to be applied in aid of the next year's rate. Sect 32.

Losses to be made good by re-affessment. Sect.

Lones to be made good by it

Persons aggrieved may appeal to the general or

quarter fessions, Sect. 34.

Persons paying to these rates exempted from the penalties and duties of the statute of Winchester, and of act 2 W. & M. 2 & 3 P. & M. and 3 & W. & M. Sect. 36.

Precinct of Well Close to be deemed a separate

diffrict, Ge. Sect. 37

Annual collectors of the rates to be chosen; 10 l. penalty on refusing to execute the said office. Sect. 38.

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None liable to serve above once in ten 10 years.

Sect. 39.

Persons who have served or fined for particular

parish offices exempted from serving as collectors.

Sect 40.

Collectors to account quarterly, or oftener if required, and deliver up the books and vouchers and pay over the balance then in their hands to the truftees order; on refusal they are to be committed; balance of accounts may be levied by diffress and sale, and where diffress cannot be had, party to be committed till payment or composition be made; notice of a meeting to be given for that purpose. Se.t. 41.

On removal, death, missehaviour or insolvency of collector, a new one to be appointed; collector before his removal to settle his accounts and deliver up his papers; executors of collectors to make account and payment within a certain time,

in preference to other debts. fect. 42.

Collectors disqualified from acting as trustees.

Sect. 43.

Monies may be raised by annuities at a rate not exceeding 8 1. per cent. annuities to be publicly sold to the best bidder, and to be paid quarterly. Sect. 44.

Annuities payable out of the rates during the life of the person nominated, &c. annuities to be tax-free and assigned; order to be given for pay-

Annuities may be affigned toties quoties; entry to be made of orders and affignments. Sect. 46.

No affignment good till entry be made thereon. Sect. 47.

As annuitants die rates to be lowered. Sect. 48. Rates chargeable with payment of annuities, and to vest in annuitants on default of payment. Sect. 49.

Charges of obtaining this act to be paid in the first place by the several parishes, & c. in proportions herein mentioned; general application of the

monies arising by the rates. Sect. 50.

Occupiers

Occupiers to pave the streets before their houfes; where houses shall be empty, owner to keep up the pavements; regulations with respect to the pavements in general; trustees to take order for repair of pavements; penalty on not repairing after notice given. Sect. 51.

Where the landlord is to make good the pivements, tenant may deduct the expences out of the

rent. Sect. 52.

Names, orders and proceedings of trustees with the monies received, to be entered in books to be kept for that purpose; allowance to be made

for keeping the faid books, Sect. 53.

Offences punishable by pecuniary penalties to be tried by two justices, who are to summon the parties and examine witnesses on oath, and levy the penalty by distress and sale, or commitment of the party for want of distress; application of the penalties. Sect. 54.

Justices may mitigate the penalties to one moie-

ty. Sect. 55.

Persons aggrieved by the judgment of the justices may appeal to the general or quarter sessions; judgment of the court to be binding and conclusive; appellant to give notice and enter into recognizance. Sect. 56.

None to be deemed a trespasser ab initio, for want of form in warrant of distress, or irregularity

afterwards committed, &c. Seit. 57.

I laintiff recovering to have full costs; plaintiff not to recover for any irregularity where notice has not been given, or where tender of amends, &c. has been made. Sect. 58.

Refervation of rights to the crown and tower of

London. Sect. 59.

Limitation of actions; general issue; treble costs. Sect. 60.

Norton Fal-See 32 Geo. 2. c. 49. which is an act for the gate, 32 G. 2. c. 49. better enlightning and cleanfing the open places freets, freets, iquares, lanes, courts, and other passages within the part of the manor of Norton Falgate, otherwise Norton Folley, in the county of Miadielex, which is extraparochial.

See 32 Geo. 2. c. 58. which is an act for en-Guildford, lightning the open places and streets within the Surry 32 G. town of Guildford in the county of Surry.

By 2 Geo. 3. c. 21. Commissioners appointed Square, &c. for carrying this act into execution; 15 or more in Westminat their first meeting to elect, by a ballot, 20 o ster, St. ther persons to be affociated to them in the trust; Giles's, St. eleven or more, giving 14 days notice, may fill George's, St. up vacancies occasioned by the death, or refusal &c. parisbes. to act, of any of the commissioners, except of 2 G. 3.c.21. fuch as are ex officio. Scct. 1.

Commissioners holding any office, or interested 3. 6.23. in any contract under the truft, are disqualified aet is exfrom acting as fuch. Sect. 2.

Three or more are to hold their first meeting at mended and Wesiminster Bridge Office, on the Thursday seven rendered more night, after passing the act; and they are then to adjourn, and meet afterwards, as they shall think proper; on failure of a sufficient number of commissioners at any meeting to act and adjourn, the clerk is to appoint another meeting, giving ten days notice; or on his death, neglect, or refusal, two commissioners may appoint one; they are to bear their own expences at all their meetings. Sect. 3.

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Qualification of commissioners; 300 l. per ann. or 10,000 1. Sect. 4.

Penalty 100 1. on their acting if not qualified; and they are to prove their qualification, if profecuted, or pay the penalty. Sect. 5.

Eleven or more at their second or subsequent meeting, may appoint one or more clerks, treafurers and receivers, and also surveyors; and such other officers as they, or any seven or more of them, shall think necessary, taking proper security; and they may remove them, and appoint others;

2. c. 58. See Stat. 3G.

whereby this plained, a-

others; rates to be paid to the receivers; officers. and others to render an account upon oath, at the times and in the manner feven or more commiffioners shall direct; and pay over the money in their hands to the order of five or more commiffioners; two commissioners may administer the oath; and any person refusing to render such account or to verify the fame, or to produce and, deliver up the vouchers and pay over the balance, &c. may be fued by action brought in the names of two or more commissioners, or complaint may be brought against him before two or more justices : who are empowered to hear and determine the matter in a summary way; and to levy by diffress and fale, the money that shall appear to be in such persons hands; and for want of sufficient distress, to commit such offender, until he render an account and payment, or shall compound with five or more commissioners, and have paid the compofition, or delivered up the writings, &c. eleven or more commissioners may appoint officers falaries, and make allowance to fuch others as have aided or affilled the execution of this act. Sect. 6.

Officers taking any fee or reward, other than their falaries, for doing their duty, or being concerned in interest in any bargain made by the commissioners for the purposes of this act, are disqualified from ever serving or being employed under this act, and forseit also 100 1. Sect. 7.

Treasurer to pay over from time to time, the monies he receives, as soon as the same amount to 300 l. into the bank, in the name of the commissioners; which is to be disposed of by five or more of them. Sect. 8.

Three or more commissioners are empowered, from time to time, to order any of the public squares, streets, and lanes, within the said city and liberty, being thoroughfares for wheel-carriages, &c. to be paved, altered, cleansed, and lighted, &c. Sect. 9.

And also such gravel, stones, and other materials to be dug out of or brought into the same, and such artificers and workmen to be employed; and money issued; and all other acts conducive to the designs of this act, to be done as they shall think sit. Sect. 10.

Sect. 15 of flat. 5 El. c. 4. repealed with respect to persons employed in consequence of this act, in paving, &c. the said squares and streets.

Five or more commissioners may contract for the paving, cleansing, and lighting the squares and streets, &... giving sourteen days previous notice for persons to deliver in proposals. f. 12.

Contractors for cleaning the streets may, by leave and order of two or more justices, and making satisfaction, lodge their dirt, for the accommodation of country carts, in such places as shall not appear to be intended to be built upon. f. 13.

The commissioners for putting this act in execution, may cause the works done under the authority thereof, to be inspected by their surveyor, or other person appointed by them, who are to report * 10 the commissioners the not performing the works according to contract, before they can cause the contractors to be sued for non performance of his contract. 1. 14.

Agreement between landlord and tenant, touching the paving, lighting, and cleanfing the streets,
not vacated by this act, but the rates made by the
commissioners are to be paid in heu thereof; and
all disputes concerning such agreements are to be
settled by sive or more commissioners. fed. 15.

Commissioners or persons authorized by them, may inspect and take copies of the books kept for

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^{*} This part of the above clause is repealed by stat. 4 G. 3. c. 39. s. 3. whereby the commissioners are at liberty to sue contractors for non performance, without any report being previously made.

cleaning, paving, or lighting the streets and places in London, Westminster, or Middle sex. feet. 16.

Property of all materials for the purposes of this act, vested in the commissioners; three may bring actions, or prefer indictments against any persons who shall steal any part thereof; and persons wilfully damaging the same, forfeit for the first offence, not exceeding 40 s. nor less than 10 s. and for the second and every other offence not exceeding 3 l nor less than 20 s. to be levied by distress and sale; and for want of distress, the offender to be committed to the house of correction, not exceeding two months, nor less than ten days. f. 17.

Five or more comm flioners may fell the old materials, and apply the money to the purposes of

this act. 1. 18.

Pavements to be taken up by the workmen of any of the water companies, are to be repaired by the commissioners paviour, at the expence of such company; but where any of the pipes or plugs shall be raised, sunk, or altered, for the purposes of this act, the expence is to be desrayed out of the rates. sect. 19.

Five or more commissioners may contract with the said companies for relaying such pavements,

fect. 20.

Pavements taken up by the commissioners of fewers are to be relaid at their expence by the commissioners paviour. fect. 21.

Five or more commissioners may contract with the commissioners of sewers for relaying such pave-

ments. fect. 22.

No alteration to be made in the form of the fireets, &c without the confent, &c of five or more commissioners, on penalty of 5 l. over and above all expences of reinstating the same. feet.

Five thousand pounds to be issued and applied out of the aids granted to his majesty for the service of the year 1762; to be paid to five or more co.nmissioners,

commissioners, or to their order, and applied in new paving the said squares, streets and lanes. Sca. 24.

Receiver to reaccount quarterly to the commiffioners; copies of the faid accounts, and of the proceedings of the commissioners, to be delivered in every tessions to parliament within 30 days after the opening. $\int_{-\infty}^{\infty} 25$.

Penalty of laying ashes or other annoyances in the streets before the scavenger comes to carry away the same, is for the first offence 5 s. for the second 10 s. and for the third and every other ofsence 20 s. 1. 26.

Obstruction, nusance, or incroachment occafioned by setting out any carriages, timber or other materials, matter or thing, in the streets, &c. or by carts, &c. suffered to remain longer therein than is necessary for the loading or unloading thereof, may be removed, by order of three commissioners, upon complaint thereof, at the charges of the offender, he paying moreover a sum not exceeding 40 s. s. 1.27.

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No inclosure for the building or repairing of houses, to be made in any of the streets, &c. which shall be completed by virtue of this act, without the consent of three or more commissioners, on penalty of soficiting not exceeding 20 s. for every 12 hours such nusance shall remain. f. 28.

A rate not exceeding 1 s. 6 d. in the pound, to be made on all houses, Sc. by five or more commissioners, half yearly or oftener, for defraying the expences of paving, repairing, cleansing, and lighting the streets, to be ascertained by the poor rate of the respective parishes, and to be paid quarterly. I. 29.

Receivers authorized by an order of three or more commissioners, may inspect the parish books concerning their poors rates; and take copies thereof. f. 30.

B b 2

Where:

Where houses are let out in lodgings to divers tenants, the owners are to be affelled; but the rate may be levied on the occupiers; which is to be allowed them in their rent. Sett. 31.

Where houses, &c. shall be empty, untenanted, or unoccupied, the owners are to be charged with one half of the said rates, and the premises are to remain a security for the arrears.

Where houses, &. are occupied by foreign ministers, or others, not liable by law to pay the rates, the owners are to pay the same and the premisses to remain a security for the arrears; and an action may be brought against the owner. Sect.

Tenants and occupiers are to pay the rates, and deduct the proportion paid on account of the cuner or proprietor out of their rent Sect. 3.

All publick buildings, dead walls, and void spaces of ground, to be rated by the square yard; the rates for parish churches, chapels and churchyards, to be paid by the church or chapel warden; and for other places by the respective proprietors, Sect. 25.

Where the rates shall not be paid within ten days after demand, the receiver by warrant of two justices, with the assistance of a constable, may levy the same, with all charges by distress and sale. S.A. 36.

All the monies raised and appropriated by this act are vested in the commissioners, to be applied for the purposes of this act only. Sea. 37.

Penalties and for feitures in general, to be levied by diffress and sale by warrant of a justice; and to be paid to a commissioner's treasurer. Sea 38.

Balance of money received and not paid over at the time of the receiver's death, is to be paid by the executors of the deceased's estate; and the receipt of three or more commissioners is a sufficient discharge for the same; and on non payment within within 21 days after demanded, the treasurer may

fue the executors. Sect. 39.

Where persons rated shall quit their houses, &c. before they have paid their rates, the receiver, by warrant of two justices for Middlesex or city and liberty of Westminster, (the same being first backed by some magistrate for the place where the distress is to be made) may levy the rates, and all charges by distress and sale. Sea. 40.

No rate to be made upon any place, till the pavement is completed; and all contracts before made (except between landlord and tenant) for paving, cleanfing or lighting the streets, are then to cease; persons paying to these rates, are exempted from all other charges and penalties on ac-

count thereof. Sect. 41.

As foon as any rate shall be made by virtue of this act, the owners or occupiers of houses, &c. affested thereto, are discharged from payment of like rates made in pursuance of former acts. feet.

Inhabitants of St. James's square being included in Stat. 10 G. 2. c. 25.; Lincoln's Inn Fields, in Stat. 8 G. 2. c. 26. and Golden square in 24 G. 2. c. 27 are exempted out of this act. Sect 43.

This act not to extend to such parts of streets, &c. as are already directed to be paved, lighted or cleansed, by any road act; nor to Dean's yard and places adjoining to the South and West doors of

Wistminster Abbey. Sect. 44.

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Seven or more commissioners may make a new passage or widen the old one, from Drury-lane into Great Queen Street, at the Devil's Gap; and purchase houses and ground for that purpose, &c. not exceeding fix in number; and if they make a new one, may inclose and sell the old passage for building upon; and may pave, repair and cleanse the same, in like manner as the squares and streets, &c. before mentioned. Sca. 45.

B b 3

No

No part of the rates or money granted by parliament, to be applied in the purchase of the faid

houses or ground. Sect. 46.

Persons aggrieved, where no other method of relief is appointed, may appeal to the quarter-sessions within three months; giving 12 days notice of such appeal to the clerk or treasurer, and entering into recognizance, with security to try the same, &c. justices to determine such appeal in a summary way, and award costs. S. a. 47.

Distress not to be deemed unlawful, nor the party making it a refpasser, for want of form in the proceedings, nor the party distraining a trefpasser ab initio, on account of any subsequent irregularity; party to recover sull satisfaction only for the damage, in an action on the case. fie. 48.

But where sufficient tender shall have been made before the action brought, the plaintiff is not to recover; defendant with leave may pay money into court, Sc. contracts and other writing not chargeable with the duty. set. 49.

Orders and proceedings of commissioners to be entered in books, and signed by the clerk; which

may be produced and read in evidence. Sect. 50. No act, &c. of the commissioners valid unless

done at a publick meeting, Sect. 51.

Proceedings against offenders not liable to be quashed for want of form, or removeable by certiforari. Sect. 52; but see what powers, provisions, and authorities are varied or altered by stat. 4 Geo 3. c. 39 st. 24. for such are thereby repealed.

2 Geo. 3. c. 47. An act for the enlightening the fireets, lanes, and passages, within the town and

county of the town of Nottingham.

2 Geo. 3. c. 58. An act for the better relief and employment of the poor, and for cleanfing the fireets, lanes and other passages and places, in the parish of St. James within the liberty of Westminster, and for enlarging the churchyard belonging to the said parish.

2 Geo.

churches, and providing burial places, within the town of Liverpool, in the county palatine of Languager; and for the better preferving the pavements of the streets in the said town; and for afcertaining the fares and prices to be paid carters, carmen, hackney coachmen and chairmen, and for regulating their behaviour within the said town.

2 Geo 3. c. 70. An act to amend and render more effectual several acts made for cleaning and enlightening the streets of the town of King ston upon Hull, and for preventing annoyances therein.

By 3 Geo. 3. c. 23. Five commissioners are Westminster vested with full power to execute all matters di Cleansing, rected by 2 Geo. 3 c. 21. To be done by a greater &c. number, except in the case of electing new comminators. &c. Sect. 1.

And they are empowered to alter the position of any of the water pipes, and to pay the expence thereof out of the money appropriated for the purposes of the said act. Sect. 2.

But pavements taken up for placing or amending pipes, are to be repaired by the commissioners paviours, at the expence of the proprietors. [etc. 3.

Commissioners may compound with the faid

proprietors for such repairs. Sect. 4.

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Pavements liable to be repaired by any parish, body politick or corporate, are to be repaired at their expence, by the commissioners paviours. \mathcal{S}_{ℓ}

Commissioners may compound with such pa-

rishes, &c for the same. feet. 6.

They may also direct the courses of the gutters to be turned, and the grates of the sewers to be removed and replaced, out of the money appropriated for the use of this act. see 7.

All figns, fign-irons, posts, spouts, gutters, or other annoyances, may be removed and new placed by the commissioners; and for the future, all

figns,

figns, spouts, and gutters, &c are to be placed on the fronts of the houses they belong to; on penalty of 5 l. sea. 8.

Such parts of any of the said signs, &c. is shall remain unused after the alteration, to be re-

turned to the owners. feet. 9.

Corner houses how to be rated. sia. 10.

The rates to be paid by the inhabitants. feet. 11. Commissioners may order the streets to be watered. feet. 12.

Names of the streets and squares to be affixed on the corner houses; penalty of defacing or destroyed the same, 40 s. set. 13.

No inclosure may be made for depositing materials for building or repairing without leave,

feet. 14.

Surveyor, &c. to the commissioners to view and present all defective pavements; and if the same are not repaired within 14 days after notice sent for the purpose, the commissioners may order the same to be done, and be reimbursed the charges by the parties; and if the parties results or neglect to pay the same, any justice may hear and determine the matter in a summary way, and levy the charges by distress and sale. Sect. 15.

Limitation of actions, general, issue, treble costs. fett. 16. but see what powers, provisions, and authorities, are varied or altered by stat. 4 Geo. 3. c. 29. f. 24. for such are thereby repealed.

By 4 Geo. 3. c. 39. Where a sufficient number of commissioners shall not meet to act and adjourn; clerk is to summon another meeting; and the summons is to be delivered four days before, at the commissioners houses; clerk dying, or neglecting, the treasurer is to summon such meeting. sect. 1.

Powers and clauses in the present and former acts, extended to all places comprized in the said

acts. feet. 2.

Receivers, or other persons authorized by the commissioners are to be allowed to inspect and take copies

Westminster Cleansing, Sec. 4 Geo. 3.

eopies of, or extracts from, the books of poors rates in the several patishes, gratis, in order to ascertain the assessments to be made by virtue of star. 2 Geo. 3 c. 21. 3 Geo. 3. c. 23. Penalty of such refusal sed. 4

Commissioners allowed to compound for penal-

ties in breach of contract. feet. 5.

Dead walls, void spices of ground, and buildings, &c. belonging to any such land, house, shop,

&c. how to be rated and affesfed. fect. 6.

Charges of altering or repairing defective or bad pavements, to be paid by the tenant or occupier; and if not paid after due notice given, any justice for the county, & upon complaint thereof; may iffue his warrant for bringing the offender before him; and may afterwards levy the expence by distress and sale. feel. 7.

Contracts between landlord and tenant concerning keeping pavements in repair, not altered by

this act: /eA. 8.

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ke ies Defective or bad pavements belonging to lands or houses, &r. untenanted, to be repaired by the commissioners at the expense of the owners; and if not paid after due notice given, the treasurer may bring an action for the same. See 9.

Penalty of running, driving or drawing asyn wheel, fledge, wheelbarrow, or other carriage,

on any of the foot pavements. feet. 10.

Notice to be given to the commissioners survejor of the taking up any pavements for the
purpose of making; repairing, or altering any
vault or drain, & in order that the same may
be relaid under his inspection. Commissioners to
pay the expense, and they are to be reimbursed
by the persons taking up such pavements; on
their neglect or resusal, after due notice given, an
action may be brought for the money in the treasurer's name. Penalty of not giving due notice
of the taking up such pavements; sea. 11.

Where-

Where it shall be necessary to make new grates or to repair or alter old ones, the commissioners of sewers are to pay the expence; and the grates are to be laid down as the surveyors under this act shall direct; if the commissioners of sewers neglect, &c. the commissioners under this act may order the same to be done, and they are to be reimbursed by the commissioners of sewers. Sect. 12.

Commissioners empowered to remove and alterall steps projecting into the footways, steps, and deors, going down out of the footways into cellars, shew glasses and other matters, causing an obstruction or nusance in the common passages.

Sect. 13.

Penalty of obstructing any officer or other perfon in the execution of his duty. Sect. 14.

2 W. & M. flat. 2. c. 8. The whole of Swallow Street, above described, declared to be a publick street, and to be within the meaning of the act of 2 W. & M. flat. 2. c. 8. Sect. 15.

Commissioners empowered with consent of the proprietors, and at their expence, to make any new passages, and to pave, cleanie, and light the

fame. Sect. 16.

No part of the monies granted by parliament, or raifed by the rates, to be applied by purchasing houses or ground for the above purpose feet. 7.

In order to make a new passage, or open the old one, at the Devil's Gap near Long Acre, the commissioners are empowered, upon such money as shall be agreed on being paid, or satisfaction made to the owners, to take down such houses as shall be necessary for that purpose, sect. 18.

Where the persons interested in such lands and houses shall refuse to treat or agree for the sale thereof, the damage and recompence is to be ascertained by a jury, and the commissioners are empowered to summon a jury accordingly, and examine witnesses on oath touching the premisses; and to adjudge the sum assessed to be paid accord-

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ingly. The verdict of the jury and order thereupon made to be final; and the parties to be divested of all property in the premisses, which may be sold and conveyed by the commissioners in trust for the purposes mentioned in this and the recited acts sect 19.

If the sums awarded shall not be duly paid, &c. the said verdict and adjudication to be void. Commissioners empowered to issue their warrant to the sheriff for summoning a jury, sheriff to return a jury accordingly; and in default of a sufficient number appearing, standers by may be returned. sect. 20.

Jury may be challenged, power given to the commissioners to fine the sheriff, his agents and jury, and persons summoned to give evidence, making default in the premisses; limitation of sines. fect. 21.

If the parties to whom the confideration money shall be awarded cannot be found, or there be any dispute in law, or defect of evidence, or mortgage results to take in their mortgage money; the sums affessed to be paid into the bank, for the use of the parties. [ed. 22.

Commissioners may let or sell such houses and old materials, or the ground so purchased, which shall be more than sufficient for their purpose, and lay out the manner of building thereon; and the breadth and extent of the street; and apply the money arising by the sale to the contributors. self. 23

Such of the powers, &c. granted by the former act, as are altered by this are repealed. fect. 24.

Clauses in act 6 Geo. 1. c. 6. 3 Geo. 2 c. 26. & 19 Geo. 2. c. 35. Any quantity of coals, not exceeding one chaldron, with the ingrain may be carried at one load, without being liable to any penalty feet 25.

Recovery and application of penalty. Jea. 26.

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Proceedings touching the conviction of offenders, not to be quashed for want of form, or removed by certiorari. Sect. 27.

Limitation of actions; general iffue; treble

colts. fett. 28.

Westminster Cleansing, &c. 5 Geo. 3.

Where any of the water companies pipes shall break, and notice be given thereof, by the commissioners supervisor, to the company's paviour, to whom he deems fuch pipe to belong, he is to open the ground within two days; and if the pipe is found to belong to some other company, the supervifor is to give notice accordingly; and fuch paviour is to repair the same, and fill in the ground within fix days, and give immediate notice of having so done to the commissioners, contractor, or fupervifor. The paviour in the first instance is to be fatisfied for his trouble. Paviour neglecting to open the ground within two days after notice, forfeits for the first offence, 20 s. for the second, 40s. and for every subsequent offence, 3 / and neglecting to repair the pipes and fill in the ground within fix day, or to give the notice required, forfeits for the first offence, 20 s. for the second, 40 s. and for every subsequent offence, 3 l. Commissioners contractors not relaying the pavement within two days, or supervisor not giving him die notice, forfeit in like manner. feet. 1.

Paviours appointed by the water companies, not giving immediate notice to the commissioners fupervisor, of their names, places of abode, and respective districts; forfeit for the first offence 2031 for the second, 403, and for every subsequent of

fence, 3 1. feet. 2.

Sewers to be repaired and cleanfed within fix days after notice given to the commissioners, or their surveyor, and in default thereof, the same may be repaired and cleanfed by the commissioners under this act; the expence to be paid by the treasurer of the commissioners of sewers, or an action for the money may be brought against him sea. 3.

Where

Where the sewers shall be repaired and cleansed, immediate notice thereof is to be given to the commissioners paviour or supervisor, for relaying the pavements; on forfeiture of 40 s. sed. 4.

Commissioners of sewers to appoint a person to receive notices occasionally sent them from the commissioners under this act; in default of such appointment, notices may be lest with their clerk; and if the repairs specified in such notices shall not be made good within seven days, the commissioners under this act may complete the same, and charge the expence; and if not paid in four days, may bring an action for the money. Sec. 5.

The commissioners may order wells to be dug in proper places, and pumps erected for watering

the freets, feet. 6.

May also cause a number of dust boxes, or dust holes, to be erected where necessary, for depositing dust and ashes, till removed by the scavengers. sec. 7.

Powers, &c. of the former acts, and this act, extended to the Surry fide of Westminster bridge.

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But so as not to interfere with the powers vested in the commissioners for the said bridge. feet. 9.

Rates to be made by the commissioners upon the lands, houses, and other tenements, in courts and passages where scavengers cannot come with their carts, so as not to exceed 3 d. in the pound of the rent as assessed to the poor rate, in order to desray the expence of removing the dust, and cleansing such places; the rates to be paid quarterly as the poor rates; and the persons paying the same, are discharged from the parochial scavengers rate. sea. 10.

Commissioners empowered to assess new buildings covered in or finished, though untenanted, not exceeding 6 d. fer yard of the fronts or sides of

fuch buildings. feat. 11.

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All obstructions and nusances in the streets and other places, to be removed within six hours after notice given by the commissioners supervisor; on forseiture for the sirst offence of, 10 s. for the second of, 20 s. and for every subsequent offence, 40s. sed. 12.

The commissioners are empowered, upon making satisfaction to the proprietors, to remove the terrasses and steps on the west side of St. James street, the porch at Arthur's chocolate house, and the sheds and porch at Exeter Exchange; and to

fell the materials. feat. 13.

And if the parties interested shall resuse to treat for the sale of the premisses, after the notice given, or shall not agree about the price, the commissioners may cause the value and damages to be enquired into and assessed by a jury, and may examine upon oath such witnesses as shall be necessary, touching the premisses, and order the jury to view the places in question, &c. Commissioners to adjudge the money assessed to be paid to the parties interested; and such verdict and adjudication is to be final and conclusive; and the parties thereupon to be divested of the premisses. Sect. 14.

Commissioners to issue their warrants to the high bailiss or sheriss, for summoning and returning such jury, who are to summon and return such jury accordingly; and for want of a sufficient number appearing, any of the standers by may be

returned. Seet, 15.

Jury may be challenged. Commissioners empowered to fine the high bailiff and sheriffs, or their deputies, making default in the premisses, as likewise the jury and evidences not doing their duty. Sect. 16.

Where the parties interested cannot be found, or disputes shall be depending in the courts, &c. the sums assessed, &c. for the premisses, may be

paid

paid into the bank, for the use of the said parties.

Where the inhabitants, &c. of any particular square or street shall raise a competent sum for the new paving thereof, and shall consent to put the same under the direction of the commissioners, and pay in the money accordingly, the commissioners may assign over the rates as a security for re-payment of such sums with interest. Treasurer to keep a separate account of the receipts and disbursements, and other transactions relating to such square or place. Surplus money to be placed out at interest, till it amount to a competent sum for paying one or more creditors. Sect. 18.

The inhabitants to be previously convened, in order to give their assent or dissent to such measure. persons neglecting to attend, deemed to assent.

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Materials may be dug out of, or brought into the ftreets, &c. f. 13.

Property of all materials vested in the commis--fioners; penalties on stealing or damaging materials. f. 14.

Penalty on interrupting workmen. f. 15. Commissioners may fell old materials, and ap-

ply the money, &c. f. 16.

Notice to be given to furveyors of taking up pavement for repairing any vault, &c. commilfioners to relay it, and be reimburfed the expences. 4. 17.

Commissioners may contract with the companies, &c. for relaying such pavements. f. 18.

On refusal of payment, action to be brought for the money. f. 10.

Commissioners to pay for altering pipes. f. 20.

Where any of the water companies pipes break, notice to be given to such companies; when completed, notice to be given to commissioners paviours; if it proves that the pipe does not belong to the company who first opens the ground, they are to be paid their charges by the company to whom it does belong, f. 21.

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Paviours to water companies to give notice to the furveyor, or clerk, of their names and abode f. 22.

No alterations to be made in the form of the pavement without commissioners consent. f. 23. Courl

Course of gutters to be turned if necessary, and

grates altered, &c. f. 24.

That when any fewers, or the grates over them want cleanfing, repairing, or altering, the clerk to the paving commissioners shall give notice to the commissioners of sewers. s. 25.

Penalty of laying ashes, &c. in the streets. f.

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Penalty on obstructing the streets, &c. by car-

Penalty for driving wheelbarrows, &c. on foot-

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Hoards, &c, may be made for building and re-

Foot pavements to be swept every day (except

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Signs, &c. to be regulated. f. 32.

Signs, &c. unused, to be returned. f. 33.

Steps, &c. projecting too far, to be removed.

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Rates not to exceed 1 s. 6 d. in the pound, and where only a foot path, not to exceed 6 d. in the pound. f. 35.

No person to be rated for any building behind his dwelling-house, or in his occupation, unless such be fittrate in some place to be paved. 1. 36.

Landlords to allow one third part of the rates as rent, the other two thirds to be borne by the tenants, f. 37.

Rates to be figned by two justices, who are to grant warrants, to collect and levy the same, by

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Where houses are let out in tenements, owners are to be assessed, but tenants to pay; who may deduct it. 1, 30.

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Where houses shall be unoccupied, owners to be charged only one third of the rates; and the premisses remain a security. f. 41.

Churches, church-yards, meeting houses, &c.

may be rated. f. 42.

Vacant ground to be fenced in at the expence of the owners f. 43.

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Occupiers quitting without paying rates, may be followed. f. 45.

Commissioners, with two justices, empowered to

mitigate or remit. f. 46.

Persons paying this rate, exempted from all other expences of paying. f. 47.

In case of collectors becoming insolvent, the

money to be again affested. f 48.

Collectors disqualified from acting as commis-

fioners. f. 49.

Pavements liable to be repaired by any parish, &c. are to be repaired at their expence by the commissioners paviours, s. 50.

Commissioners may compound. f. 51.

Not exceeding 6000 1. may be borrowed on the credit of the rates. f. 52.

Which fum may be advanced to the commif-

figners for purchase of annuities. f. 53.

Annuitants dying, persons may purchase annuities from commissioners not exceeding 1000 l.

Annuities charged upon the rates, and deemed indefeafible estates, not chargeable to the land tax; receipts and orders for payment to be figured, and given to the contributors. f. 55.

Annuities may be affigned. f. 56.

Houses, &c., to rise perpendicularly, when new built, or new fronted. f 57.

As annuitants die, the rates to be lowered.

f 58. Monies raised vested in the commissioners. f.

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Expences

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Expences of the act to be first paid. f. 60.

Out streets may be paved by the commissioners, upon petition of four fifths of the tenants or landlords; monies may be raised by annuities for lives; such street then may be comprehended in this act. f. 61.

Accounts of such pavement, with the business relating thereto, to be kept separate. s. 62.

Penalties may be mitigated. f. 63.

Commissioners who are justices for Middlesex, and the liberty of the Tower Without, may act. 1.64.

Persons injured may appeal to the quarter sessions. s. 65.

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Penalties and forfeitures how to be recovered and applied, f. 66.

Commissioners may reward informers. f. 67.

Justices may administer oaths: f. 68.

Books to be kept for entering commissioners names, &c. which may be inspected gratis. 1. 69.

Distress not to be deemed unlawful for want of form; nor the party be deemed a trespasser ab initio. f. 70.

Plaintiff not to recover if tender of amends

hath been made. f. 71.

Writings to be without stamps. f. 72.

Proceedings to be entered in a book. f. 73.

Proceedings not to be quashed for want of form, or removeable by certiorari. f. 74.

Limitation of actions; general issue; treble costs. f. 75.

To be a publick act. f. 76.

By 11 Geo. 3. c. 19. The recorder and com-London, mon serjeant shall be commissioners. s. Cleansing, &c

The powers to be exercised by the major part 116.3.c.19.

First publick meeting. f. 4.

Power to adjourn. f. 5.

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Mayor to appoint a publick meeting. f 6. Commissioners to appoint clerks. f. 7. Clerks, &c., shall not take fee, f. 8.

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Surveyors of

Persons not free of the city may be employed.

Notice of contracts to be given, f. 11.

No member of the common council to be concerned in any contract. f. 12.

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Paul's cathedral. f. 14.

Signs, &c. to be taken down or removed by the commissioners. s. 15,

Cranes to be kept close the walls of warehouses.

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Waggons shall not stand in the street above one hour. 1.17.

Continuance of heards in the fireets, how to be prevented f. 18.

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Damages being done to the foot pavement, offenders to forfeit for the first offence 10s. &c.

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Alterations in the pavements of the streets, not to be altered, f. 23.

Bad pavements to be repaired. f. 24.

Pavements when the water pipes are broken, how to be taken up. f. 25.

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Payiours of the water companies to give notice of their names, &c. f, 27.

Water companies to pay the expence of new laying pavement when the pipes are broken, &c. f. 28.

Expence of alteration of the pipes, to be defrayed out of the monies of this act. f, 29.

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For procuring water in times of fire; names of the turncocks to be delivered in, under forfeiture of 403 f. 30.

The streets to be watered. f. 31.

Dust holes, Ge. how to be made. f. 32.

Footways to be cleanfed f. 33.

Streets, &c. how to be lighted f. 34.

Penalty on perfors damaging lamps f. 35.

Persons carelessly or accidentally breaking or damaging lamps to make satisfaction. f. 36.

Lamps how to be placed, f. 37.

Property of the fewers and pavements, to be vested in the mayor, &c. 6 38.

Private drains to be made and cleanfed. f. 39.

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Rates for fewers and pavements. f. 41.

Major part of common council to compound for rates on houses, &c. f. 42.

Leffee of markets to pay the rates. f. 43.

The farmers and lessees of markets, to be compounded with. f 44.

How empty houses shall be affessed. f. 45. Houses let out in lodgings, how to be affessed.

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Owners of large warehouses, &c. may be relieved by commissioners, &c. f. 47.

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Tenants to hospitals to be affessed. f 52.

The pavements belonging to the cathedral

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The ground, area, or space in the west front of St. Paul's church, may be laid into the publick street. f. 54.

Inns of court shall be rated. f. 55.

Streets in building may be compounded for.

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Not to vacate any agreement between landlord and tenant. 1. 57.

Commissioners may compound with persons for breach of contract. 1. 58.

Persons resulting or neglecting to attend after

notice, to forfeit 20 s. f. 59.

Recovery of rates against any persons who shall be liable to pay the same, becoming bank-rupts, f. 60.

Duplicates of rates, how to be made. f. 61. Collectors, how to be appointed, and to take

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In case of resusal or neglect to take the office, the alderman, &c. of the ward, &c. may appoint others. f. 63.

Persons not to serve who are by law exempt.

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On refusal or neglect of aldermen to do any act; commissioners empowered to execute the same. s. 65.

If no collector appointed, commissioners to ap-

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Time for night carts, &c. limited. f. 67.

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repair sewers and drains. f. 69.

Commissioners to appoint collectors. f. 70.

Commissioners to repair and cleanse sewers, &c. in certain places out of the liberties of the city.

Sugar bakers, &c. not to throw lime into the

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Account to be kept for cleanling and repairing. fewers, &c, f. 73.

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Warrant of distress to be backed by a magnitrate. f. 75.

Dittress not to be deemed unlawful for want of form; nor the party be deemed a trespasser ab' initio 1. 76.

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Persons neglecting their duty in granting or executing any warrant, to forfeit 5 l. f. 78.

Freemen not paying the rates, incapable of

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Appeal to the commissioners allowed f. 80.

Commissioners to hear and determine complaints of inhabitants, upon any deficiency of rate or omission. s. 81.

The money collected to be paid into the chamberlain's office. f. 82,

Collectors to deliver in an account in writing, under their hands. f. 83.

Collectors refusing to account, the same to be

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Commissioners to summon and examine collectors, upon oath; touching any complaint or neglect of duty. s. 85.

In case of collectors becoming bankrupts, exteutors or assignees to pay the money. f. 86;

If collectors or receivers become infolvent, &c. the money to be again affected. f 87.

Penalty on interrupting workmen. f. 88.

Chamberlain to pay all fems of money by order of the commissioners, and to make entries. f. 80.

Commissioners empowered to borrow money upon the credit of the rates. f 90.

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Money by annuities on lives may be borrowed.

If annuitants die, any persons may purchase annuities for their lives. s. 92.

Clerk to enter all fecurities for monies borrow-

Annui ants shall not be liable to taxes. f 94. Securities may be assigned. f. 95.

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Felony in cafe any person shall sorge, &c. any affignment, certificate, &c. of annuitants. 1. 96.

Annuities to be paid out of the money bor-

rowed on the rates. f. 97.

Certain places in Holborn, &c out of the liberties of the said city, to be assessed. I 98.

Provifo. 1. 99.

Same powers given to commissioners, as to

commissioners of counties. f. 100.

A toll to be taken at the several turnpikes herein mentioned, before any cattle or carriage shall be permitted to pass on a Sunday. The said tolls to be taken above and exclusive of all other tolls; tolls vested in the mayor and commonalty and citizens to be levied by distress and sale; distress may be sold after four days s. to1.

Commissioners may erect turnpikes, &c. turnpikes, &c. vested in the mayor and commonalty

and citizens, f. 102.

Tolls may be collected at the turnpikes already erected, f. 103.

Tolls to be paid but once a day. f. 104.

Commissioners may lease, &c. the tolls. f. 105.
Commissioners may appoint officers; justices to inquire into the default, and commit the offender until payment or composition be made; commissioners to allow officers salaries, f. 106.

For farming the tolls. f. 107.

Tolls may be affigned for money borrowed; affignments to be entered in a book; all creditors

deemed equal in degree. f. 108.

Penalty on forcibly passing through the gates, &c. or giving or receiving tickets, &c. to avoid payment of the tolls; persons assaulting, &c. the collectors, they are empowered to take them before a justice of the peace. 1. 109.

Money raised by this act vested in the mayor,

Edt. f 110.

Writings to be without stamps. f. 111.

For

For limiting the number and distances of coaches.

f. 112. See title Hackney Coaches.

Places of abode of of hackney coachmen to be regiltered. f 113. See ditto.

Proviso. f. 114. See ditto

Proceedings not to be quashed for want of form.

Limitation of actions; general iffue; treble costs, f. 116.

Act 8 Geo. 3. c. 21. repealed. f. 117.

Rates under former acts not to be annulled. f. 1.8.

Not to make void proceedings under the faid

Act 19 Car. z. c. 3. 22 Car. 2. c. 11. 22 Repeal. 623 Car. z. c. 17. 2 W. & M. c. 8. 10 Geo. z. c. 22. 17 Geo. 2. c. 29. 33 Geo. z. c. 30. 6 Geo.

3. c. 26. repealed. 1. 120.

To be a publick act. f. 121.

Stat. 11 Geo. 3. c. 30. Is an act for cleaning South Leith, and lighting the streets of the town of South within the Leith, the territory of St. Anthony's, and Yard county of Heads thereunto adjoining, and for supplying the Edinburgh, several parts thereof with fresh water.

As this act in no manner affects any part of England, the title was only thought fufficient to

be inferted in this work.

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For:

By 11 Geo. 3. c. 33. Commissioners names, St. John their dying, &c, others to be elected. f. 1, 2. Clerkenwell No commissioner to hold a place of profit. f. 3. Cleansing, &c Qualification of commissioners; penalty on

perfors acting, if not qualified. f. 4.

Commissioners to appoint officers, and take security; commissioners to appoint officers salaries. f. 5.

Penalty on officers neglecting their duty. f. 6.

First meeting of commissioners; power to adjourn; are to pay their own expences f. 7.

Proceedings to be entered in a book, and to be

read in evidence. f. 8.

No act valid unless done at a publick meeting. f. 9.

Majority at publick meetings to act. f. 10.

Property of pavements vested in commissioners, penalty in damaging works, &c. to be levied by distress and sale; for want of distress, offender to be committed. f. 11.

Old materials, &c. vested in commissioners, and

may be fold. f. 12.

Or made use of in paving squares, &c. s. 13. Commissioners may hire ground for getting gravel s. 14.

Commissioners may contract with persons for

paving, &c. f. 15.

Penalty on persons carrying cinders, &c. s. 16, Penalty on owners of carts, s. 17.

Works to be inspected, f. 18.

Paviours, carters, &c. to be appointed. f. 20.

Commissioners may cause the streets, &c. to be new paved. f. 21.

Penalty on altering the form of the ftreets, &c.

1. 22.

Occupiers of houses may make areas. f. 23.

Notice to be given when pavements want repair; penalty on contractors, &c. neglecting to pave after notice. f. 24.

If surveyors think such pavement not defective, &c. commissioners to view the same. 1, 25.

Streets, &c. to be watered. f. 26.

Projections, &c. to be removed; figns, &c.

how to be affixed. f. 27.

Buildings, &c. projecting, may be removed; persons resusing to treat, a jury to be summoned; witnesses to be summoned, &c.; jury to settle the damage; whose determination shall be final. s.

Money awarded for premisses settled to like

uses. 1. 29.

How a jury may be fummoned. f. 30.

Verdict not binding, unless the sums assessed be paid. s. 31.

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Jurors may be challenged; penalty on sheriss, &c. sine not to exceed 101. s. 32.

In case of disputes, &c. monies to be paid into

the bank. f. 33.

Consideration money how to be paid. s. 34.

Names of streets to be affixed up, and houses numbered; penalty on defacing numbers. s. 35. Annoyances how to be remedied. s. 36.

Penalty on not removing casks, &c. after no-

tice. f. 37.

Penalty if nusances are continued. f. 38.

Licences may be granted for erecting hoards,

No lime to be fifted, &c. in any squares, &c.

f. 40.

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Penalty on driving carriages, &c. on the foot pavements. f. 41.

Stands of hackney coachmen, &c. to be regu-

lated. f. 42.

Time of emptying bog houses, &c. f. 43.

Where any of the water pipes break, notice to be given; and the expences of relaying the pavement to be paid; pipes breaking in any square, &c. owners to open the ground and repair the pipes; giving notice to the contractor, &c. to relay the pavement on pain of forfeiting 40s. Pavement taken up by commissioners of sewers for making repairs, &c. surveyors to give notice to the contractor to relay the same, under the penalty of 40s. s. f. 44.

Paviours, &c. to give notice of the death or

removal of turncocks, &c. f. 45.

Commissioners of sewers to repair drains, &c.

Pipes not belonging to any water company, charges of relaying, & c. to be paid by owners to to the commissioners. f. 47.

Expence of altering pipes to be borne by the

commissioners. f. 48.

Pipes replaced at request, proprietors to pay expences, &c, f. 49.

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Commissioners may compound with faid pro-

prietors. f. 50.

Inhabitants may raise a sum to new pave any square, &c.; monies to be raised, charged upon the rates laid upon such squares, &c. s. 51.

Commissioners to make rates to repay the money so advanced; rates may be essigned. f. 52,

Notice to be given before paving any particular square, &c. s. 53.

Creditors deemed equal in degree. f. 54.

Lamps to be fet up, &c. f. 55.

Lamp irons where to be affixed; persons damaging lamps, &c. to forseit 205; on non payment, offenders to be committed. s. 56.

Persons accidentally damaging lamps, to make satisfaction; and on non payment, to be levied as

fines are to be levied. f. 57.

Watch houses to be built, and watchmen ap-

pointed. f. 58.

Footways to be swept, &c. once a day. f. 59. Where materials for footways may be lodged. f. 60.

Rates not to exceed 2 s. in the pound. f. 61.

Commencement of rates, f. 62.

An additional rate, &c. on new paving squares, &c. f 63.

For borrowing money, f. 64. Application of monies, f, 65. For granting annuities, f, 66.

Annuitants to be free from all taxes. f. 67.

Securities to be entered in books; creditors deemed equal in degree. f. 68.

Copies of assignments to be entered in a book, and notified to the clerk within 30 days. Assignments may be transferred. f. 69.

Untenanted houses to pay only half rates, to

be paid by the owners, &c. f. 70.

Leffees liable to pay the rates. f. 71.

In case of refusal, shall be compelled so to do.

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To be allowed the same in rent? f. 73.

Publick buildings, &c. to be rated; by whom faid rates to be paid. f. 74.

Unfinished houses, &c. to be rated; commencement of rates, and by whom payable s. 75.

New streets, &c. to be paved by proprietors; owners, &c. to meet and compound for paving. f. 76.

Owners of vacant grounds, &c. how to be charged. 1. 77.

Clerks to make entries of rates. f. 78.

Rates how to be recovered on refusal to pay. f. 70.

Recovery of rates. f. 80.

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Rates may be fued for in the name of the treafurer. f. 81.

No contract for paving, &c. to be void by this act. f. 82.

Persons paying rates exempted from paying,

But not to excuse arrears. f. 84.

Collectors to pay money as received to the treasurer; and forseit 5 l. if they keep above 100 l. longer than two days. f 85.

Treasurer to pay it into the bank. f. 86.

Officers to account upon oath; their refusing to account; for every neglect or refusal to forfeit 10%; justices to inquire into the default, and levy the penalty; for want of distress, offender to be committed. f. 87.

Collectors to account four times a year. f. 88.

On death or bankruptcy of officers, legal representatives to pay the monies remaining in hand to the treasurer, whose receipt shall be a discharge; on non payment for five years, treasurer may commence action for recovery. f. 89.

Tre surer to pay monies drawn upon him, and keep a regular account, books to be inspected

gra! is. 1 .- 90.

Commissioners obtaining verdict, defendant to pay double costs. f. 91.

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Penalties may be levied by distress and sale; informer deemed a competent witness. f. 92.

Commissioners may reward informers. s. 93.

Distress not to be deemed unlawful for want of

form, nor the party a trespasser ab initio. f. 94.

Plaintiff not to recover if tender of amends hath been made. f. 95.

Appeal to the quarter fessions; notice of appeal to be given. 1. 96.

Writings to be without stamps. f. 97.

Proceedings not to be quashed for want of form; nor removed by certierari. f. 98.

Expences of this act how to be paid. f. 99
For allowing 30 l. per annum to the parish of
St. James. f. 100.

Proviso. f. 101.

Limitation of actions; general issue; treble costs. f. 102.

To be a publick act f. 103.

Stat. 11 Geo. 3 c. 36. Is an act for cleaning, lighting, and watching the several streets and other passages on the south side of the city of Ednburgh, and for removing nusances and annoyances therefrom, and preventing the same for the suture.

Wakefield. Cleanfing, &c. 11 Geo. 3. c. 44.

City of

Edinburgh. Cleanfing, &c.

11 G. 3.

c. 36.

By 11 Geo. 3. c. 44. Commissioners names.

Commissioners acting not being qualified, to forfeit 50 1. 1. 2

No commissioner to hold a place of profit. s. 3. First meeting of commissioners, who are to defray their own expences. s. 4.

President to have a decisive vote. f. 5.

Commissioners to appoint officers, and take security; securities to be entered in a book; officers refusing to account to be brought before the justices; and on non payment, money to be levied by distress; for want of which, such officer to be committed; all books, &c. to be delivered up. f. 6.

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Executors or collectors to make account and payment within a certain time. f. 7.

In case of collector becoming insolvent, deficiency to be made good by a new rate. f. 8.

Rules for cleaning the streets; penalties for not cleanfing; scavengers; notice is to be given who are appointed to take away dung, &c. f. q.

Commissioners may compound with inhabitants

for cleanfing, &c. f 10.

Land may be purchased or rented to deposit soil, Gc. f. 11.

Pavements, &c. vested in commissioners, who may bring actions or prefer indictments; old materials may be fold; penalty on persons obstructing the work, &c. f. 12.

Commissioners may order the pavements of the streets to be repaired; sewers, &c. to be made.

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Interruption in the footways how to be prevented; penalty on offender. f. 14.

Power of making drains into the common fewer. f. 15.

Signs, &c. to be regulated; offenders to forfeit 20 s. f. 16.

Owners may remove their figns, &c. at their own expence. f. 17.

Spouts to be brought down by the fronts of the houses. f. 18.

Time when stalls, &c. are to be removed.

Annoyances are to be removed. f. 20.

Necessary houses when to be emptied, f. 21. No ashes to be fifted in any streets. f. 22.

Commissioners to purchase lands, and all per-

ions empowered to treat. f. 23.

Upon refusal to treat, commissioners to issue warrants to the sheriff of Yorkshire, or to a coroner of the West Riding to impanel and return a jury to appear before the commissioners at the time and place appointed; sheriff and coroner . for

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for every default to forfeit 10 l.; issues to be returned and levied upon jurors not apearing; theriff or coroner to return a tales de circumstantibus; commissioners may summon witnesses to appear before them, and may order the jury to view the premises; jury to assess damages, and commissioners give judgment finally; notice being first given. s. 24.

Surveyors of

Witnesses not appearing, or refusing to be fworn, and jurymen refusing to be sworn, and to give a verdict, to be fined by commissioners. f. 25.

Payment of jury and witnesses. f. 26.

Commissioners decrees to be filed with the clerk

of the peace f. 27.

Satisfaction being made or tendered, &c. the commissioners may enter and proceed in the work. f. 28.

Charges of paving, &c. to be paid by the owners and occupiers of houses, &c. (exception) rates how to be raised. s. 28.

Rates exempt from taxes. f. 30.

Rates may be altered; how to be recovered. f. 31.

Deficiency of rates to be made good the next, year. 1. 32.

Agreement between landlord and tenant touching paving, &c. not to be vacated f. 33.

Sale of lands and rent charges, f. 34.

Recovery of the arrears of 140 l. and of the arrears of the moiety of the duties arising from coals and cinders. f. 35.

For paying money due from the town of Wakefield to Mr. Johnson and others f. 36.

Power to borrow money. f. 37.

All creditors in equal degree. f. 38,

Penalty on obstructing the execution of this act.

Power of levying penalties; inhabitants may be witnesses. 1. 40.

Persons aggrieved may appeal to justices at their quarter-

quarter sessions, whose determination shall be final. 1.41.

Distress not illegal for want of form. 1. 42.

Power to tender amends. f. 43.

No act of commissioners legal but at public meetings; entries to be made, and accounts to be produced at public meetings. f. 44.

Rates to be proportioned on occupiers quitting

or coming in f. 45.

Power to commissioners to make contracts. f. 46.

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Their qualification, f. 2. No victualler to act. f. 3.

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Representatives of officers to account and pay in

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Pavements, &c. vested in commissioners, s. 9. Commissioners to cause the streets to be paved.

f. 10.

Chiswell Street, Whitecress Street, and Golden Lane, to be paved first. f 11.

Power to employ workmen, &c. f. 12. Commissioners may make contracts. f. 13. Penalty on obstructing workmen. f. 14.

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Pavements when taken up to be relaid, under the inspection of the surveyor; commissioners to be reimbursed their charges. f. 17.

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Power to raise or lower pipes. f. 20.

How the water-pipes, when broke, are to be repaired. f. 21.

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Commissioners of sewers to make and repair grates. s. 25.

Commissioners of sewers to repair, empty, and

cleanse old drains. f. 26.

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In what case other streets may be paved. s. 29. Separate accounts to be kept. f. 30.

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Persons may set up hoards for making mortar, &c. with consent of the commissioners. f.

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Steps, projections, &c. to be removed. f. 38. Extra rates may be made twice in every year.

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rated, f. 40. Houses let out in tenements, how to be rated.

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Untenanted houses, how to be rated f. 42. Dead walls, &c. how to be rated. 1. 43. Method of recovery of rates, f. 44.

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Tenants to pay rates, and deduct the same out of their rents. f. 46.

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Persons paying the rates not to be subject to any

other rate for paving. f. 48. Owners discharged from any former acts for

paving. f. 49.

Contracts between landlord and tenant, not to be affected. 1 50.

Parishes.

Parishes, &c. liable to the repair of any part of the pavements, to continue so f. 51.

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f. 52.

Power to borrow money, f 53.

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Annuities chargeable on rates. f. 56.

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Monies vested in the commissioners. f. 59. Expence of the act to be first paid f. 60.

Commissioners may compound for penalties,

The passage at the west end of Chiswell Street, how to be widened; disputes between commissioners and owners to be ascertained by a jury; sines may be imposed by commissioners on the sheriff, &c. making default in the premises; and remove bulks, &c. obstructing free passages. s. 62.

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be widened. f. 63.

Ground not used may be fold. f. 64.

Bodies politick, &c. empowered to fell. f. 55. No commissioner to act where interested. f. 66.

Commissioners who are justices may act as such.

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For keeping the street in Finsbury in repair, f. f. 68.

Appeal to the quarter sessions, f. 69. Penalties and sorfeitures how to be recovered.

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Distress not to be deemed unlawful for want of form. 1. 76.

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By It Goo, 3. c. 54. Commissioners names: Trinity pain case of death, resulas to act for one year, or rish, Minoremoval. S. a. I. ties, cleans-

Qualification of commissioners; penalty on per- ing. &c. 11 G. 3. c. 54.

No victualler to set as a commissioner. Sea. 3.

First meeting of commissioners; manner of adjournment. Sea. 4.

No order valid unless made at a publick meet-

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Commissioners may appoint officers; and remove them and appoint others; officers to give security; persons liable to rates, to pay the same to collectors appointed; officers to account upon oath; officers resusing to account; justices to inquire into the default; monies descient to be levied by distress; for want of distress the offender to be committed, till payment or composition made. Sea 6.

No person committed on account of his having no goods or chattels, shall be committed for any term longer than three months. Sect. 7.

Executors to account, and the money to be

paid in preference to other debts. Sea. 8.

Officers taking other fees than allowed by this act, or being concerned in any bargain, disqualified, and to forfeit 501. Sect. 9.

Pavements vested in the commissioners; commissioners may sell the old and useless materials. Sect. 10.

Streets to be paved, commissioners may alter pipes and plugs. Sed., 11.

Not to femove the cistern, &c. in Haydon square. Sect. 12.

Not to interfere with the city paving. Sect. 13. Commissioners to erect lamps, and to appoint watchmen; allowance to be made to the watchmen, who may be removed. Sect. 14.

Duty and power of the watchmen. Sea. 15.

Property of lamps, & c. vested in the commissioners. Sea. 16.

Penalty on persons breaking lamps. Sect. 17.

Penalty on persons negligently breaking lamps. Sect. 18.

Commissioners may make contracts, notice thereof to be given, Sea. 19.

Paviours, carters, &c. to be appointed. Sed.

Disputes about wages of workmen, how to be settled. Sea. 21.

Penalty on obstructing workmen. Seat. 22.

For taking up pavement where water pipes break. Sea. 23.

Companies having no paviour, notice to be given to the clerk. Sea. 24.

Paviour of water companies to give notice of their abode. Sea. 25.

Notice of taking up pavement to be given to commissioners, the pavement to be repaired by the commissioners, and the parties taking up the pavements to reimburse the commissioners the expence of relaying, &c. Sect. 26.

Commissioners may compound with commis-

fioners of sewers. Seat. 27.

Commissioners of sewers, etc. neglecting to pay the money expended by the commissioners for repairing the pavements, after notice, may be sued in the name of the clerk; penalty on neglecting to give notice of taking up pavements. Sect. 28.

Commissioners empowered to raise, sink, etc. pipes, etc. Sect. 29.

Names

Names of the turncocks to be delivered, on the penalty of 40 s. for every such neglect. Sect.

Penalty on persons neglecting to give notice of

taking up such pavement. Seat. 31.

Comm ffoners may alter the course of gutters,

Commissioners of sewers to make and repair grates. Sea. 33.

To empty, repair, and cleanse old drains. S.a.

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Names

New sewers and grates shall be made by commissioners for paving, at their own expence, and afterwards shall be cleansed and repaired by commissioners of sewers at their expence. Seet 35.

When works to be done by the commissioners of sewers, etc. the clerk of the commissioners of pavement to give notice to the clerk of the commissioners of sewers, who is to summon the said commissioners. Commissioners of sewers neglecting to meet for seven days, or refusing to send jury for ten days to view, or such jury neglecting or resussing to take such view or make presentment; or commissioners of sewers neglecting for twenty days to cause the works directed by the jury to be done; commissioners, or any three, to cause such works to be done, and recover the expences from the commissioners of sewers. Sect. 36.

Streets to be watered. Sea. 37.

Foot-paths to be swept every day (except Eun-

No waggon shall stand across the street longer than for the loading and unloading; nor any toach, chariots, goods, etc. Sect. 39.

Penalty on obstructing foot paths. Sect. 40.

Inclosures may be made for the purpose of

wilding. Seat. 41.

Houses to be numbered, and names of streets minted; penalty on persons defacing names, etc. at 42.

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Signs

Signs to be removed, and placed on the fronts of the houses; all future signs to be placed on the fronts of the houses. Penalty on placing signs otherwise, and on incroachments and annoyances. Sect. 43.

Unused sign-irons to be returned. Seef. 44.

Buildings projecting out may be renewed, where persons resuse to treat, &c. Witnesses to be summoned and examined upon oath; jury to assess the damage and recompence; verdict of the jury to be final. Sect. 45.

Money awarded for the premisses settled to like

ules fect. 46.

Sheriffs, &c. to summon a jury. Sect. 47. Unless satisfaction be made within a month, ver-

dict not binding. Sect. 48.

Jurors may be challenged; penalty on sheriffs, &c. making default; fine not to exceed 10 s. feet. 49.

In case of disputes, &c. monies to be paid into

the bank. Sect. 50.

Steps, &c. to be removed. Sect. 51.

Time of emptying bog-houses; penalty for offences. Sect. 52.

Inhabitants to give notice to furveyors where

pavements want any repair. Se ct. 5.

Affessiments to be made yearly, Sect. 54. Corner or adjoining houses, how to be rated.

fect. 56.

Commissioners empowered to compound with persons for not less than half of the rates. feet. 57.

Houses let in tenements, how to be rated. Sect.

58.

Power to compound. Sect. 59.

Publick buildings, &c. to be rated. Sect. 60.

Untenanted houses to be rated. Sect. 61.

Manner of recovering the rates; for want of difrees, or goods secreted, persons to be committed. Sect. 62.

Occupiers

Occupiers quitting without paying rates, may he followed. Sect. 63.

Penalty on collectors refusing to execute the office. Sect 64.

None liable to ferve above once in two years. Sect. 65.

In case of collectors becoming insolvent, the monies to be again affested. Sect 66.

Agreement between landlord and tenant touchthe pavement, &c. not vacated. Sect. 67.

Commissioners empowered to borrow money upon the credit of the rates. feet. 68.

For borrowing monies by annuities on lives. feet. 69.

If annuitants die, any persons may purchase annuities for their lives. Sect. 70.

Annuities charged upon the rates. Sect. 71. Clerk to enter all fecurities for monies borrowed or annuities granted. Sect. 72.

Assignments may be transferred, which may be entered in a book. feet. 73.

Money vested in commissioners. fect. 74.

Expences of the act to be defrayed out of the first money arising by the tolls. fect. 75.

Penalties and torfeitures how to be recovered and applied. Ject. 76.

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Justices may administer oaths. feet. 78.

Justices may act although commissioners. Ject.

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Distress not deemed unlawful for want of form, nor the party distraining be deemed a t espasier, ab initio Sect. 81.

Plaintiffs not to recover if tender of amends be made. feet. 82

Writings to be without flamps. fect. 83.

Orders, & c. to be entered in books. fect 84.

Persons aggrieved may appeal to the quarter sessions. fect. 85.

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Justices to amend rates appealed against, with out altering the other rates. Ject. 86.

Proceedings not to be quashed for want of form

only. fect. 87.
Limitation of actions; general issue; treble costs. fect. 88.

To be a publick act. fect. 89.

Turnpike Roads.

By 7 Geo. 3. c. 40. The general laws for regulating turnp-ke roads, reduced into one act.

By feet. 1. Trustes of turnpike roads empowered to erect weighing engines, and to levy penalties on carriages carrying over weight.

By feet. 2. Exception in favour of carriages with nine inch wheels, whose fore and hind wheels roll a double surface.

By f. a. Exception in favour of carriages employed only in husbandry.

By f & 6. Penalty of unloading goods before weighing, or loading after weighing.

By sea. 8. to 13 Limitations of the number of

horses drawing carriages.

By fect. 18. The owner's name, place of abode, and common stage waggon, or cart, to be painted on carriages; penalty of non-compliance, or travelling with a fictitious name. ib.

By Jed. 19, 20 Tolls to be reduced for waggons with broad wheels, and raised one half for

waggons with narrow wheels.

By feet. 21. Exception as to carts with fix inch fellies, drawn by two horses or four oxen.

By fect. 23. Carriages which do not come within the intention of this act.

By feet. 25. Under what circumstances tolls

may be raised or reduced.

By feet, 27. Statute duty how to be regulated between two turnpike-roads in the same parish

By sect. 28 Penalty on surveyo's. &c. suffering obstructions to lie on the road. By sea. 30. Mile stones and direction posts to be set upon roads.

By feet. 31. Penalty of defacing them.

By sea. 32, 33. Punishment of destroying tollgates, weighing engines, & c. or rescuing offenders.

By feel. 34, 35, 36. General qualification of

trustees.

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By feet, 39, 40. Regulations of the meetings of trustees.

By feet. 41. Complaints against trustees how to be determined.

By /ed. 42, 43. Mortgagee taking possession of toll gate, to account upon oath.

By feet, 45. Collectors and surveyors to account

upon oath, when required.

By fed. 50. Penalty of affaulting collectors, or obstructing the execution of this act.

By sea. 51. Penalties and forfeitures how to be levied.

By fett. 61. So much of the feveral acts following as relate to turnpikes are repealed, viz. 1 Geo. 2. flat. 2. c. 19. 5 Geo. 2. c. 33. 8 Geo. 2. c. 20. 14 Geo. 2. c. 42. 21 Geo. 2. c. 28. 3 Will. & Mar. c. 12. Except what relates to the rates for carriages of goods. 24 G. 2. c. 43. Except what relates to the preventing mischief occafioned by drivers riding upon carts, & c. in London, 26 Geo. 2. c. 30. 28 Geo. 2. c. 17. Except so much thereof as continues the turnpike acts, & c. 30 G. 2. c. 27. 31 Geo. 2. c. 34. 5 Geo. 3. c. 38. & 6 Geo. 3. c. 43.

Highways.

By 7 Geo. 3. c. 42. The several statutes for the preservation of the highways, reduced into one act.

By feet. 1, 2. Surveyors of the highways how to be appointed.

By jest 3. No tree or bush to stand within fifteen feet of the center of the highway.

By feet 4. Hedges, ditches, drains, &c. how to be ordered.

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By fed. 5, 6, 7. Penalty of laying obstructions in the highways.

By f.a. 8. Surveyors's duty in respect of nu-

fances, encroachments.

By fest. 9. Trees and hedges when to be felled and cut.

By feet. 10. Surveyors to make new ditches, drains, water-courses, &c. where necessary, with proper trunks, arches, or bridges over them.

By feet. 11. Cartways to market-towns to be

twenty feet wide.

By sea. 12. Narrow roads how to be widened. By sea. 15. Fresentments of defective highways, or of offences against this act, and proceedings thereupon.

By fect. 17. Neglect of surveyors how to be

inquired into. Penalties. f. 22, 32, 35.

By feet. 18. Direction posts to be set up at proper places. Penalty of defacing or destroying

them. f. 34.

By sed. 19, 20, 21. Surveyor empowered to take materials for the repair of the highways. Rules to be observed in the exercise of this power, f. 22.

By feet 23. et feq. Regulations of flatute-work

in general.

By 1.6. 25. Statute work how to be compounded. Where part of the duty is to be performed on turnpike-roads. f. 28.

By sea 29, 30. Where the statute duty and money prove insufficient assessments to be made.

By sed. 32. Surveyors how to keep and settle their accounts.

By sea. 34. Penalty of destroying posts, blocks, stones, parapets of bridges, &c.

By feet. 41, 47, 48. Seifures and distresses how

to be made.

By feet. 42. All waggons, wains, and carts, to have the owners name and place of abode on them. See 7 G. 3. c. 40. J. 18.

By seet. 43. Penalty on driver of cart or dray riding thereon without some person to guide the seme. See 24 G. 2. c. 43. 30 G. 2. c. 22 f. 9. By seet. 44. Scavengers to be appointed for cities or market towns.

By feat 47. Application of forfeitures and penalties.

By feet 57. The following highway laws are repealed, viz. 13 Ed. 1. c. 5. 14 & 15 Hen. 8 c. 6. 26 Hen. c. 7. both revived by 8 G. 3. c. 5. f.f. 3. 2 & 3 P. & M. c. 6. 5 El. c. 13. 18 El c. 10. 27 El. c. 26. 39 El. c. 19. and fo much of act 22 Car. 2. c. 12. as relates to highways; and so much of act z P. & M. Jeff. 2. c. 8 as relates to the power of making affefiments for repairing the highways; and fo much of act 3 5 4 W. & M. c. 12. as relates to highways; act 7 5 8 W. 3 c. 29. 8 5 9 W. 3 c. 15. 6 Ann. c. 29. 9 Ann. 1 G. 1. flat. 2. c. 11, 52. 5 Geo. 1. c. 12. 7 G. 2. c. 9. and fo much of act o G. z. c. 18. as extends the clause in act 1 G. 1. c. 52. to market towns; and so much of act 14 G. 2, c. 42. as relates to the highways not being tumpike roads; 15 G. 2. c. 2. 16 G. 2. 1. 29. 26 G. 2. c. 28. and fo much of act 30 G. 2. c. 22 as relates to the public streets or common highways, not within London or Westminfler, or limits of the weekly bills.

By 8 G. 3. c. 5. f 1, 39, 40. of flat. 7 G. 3.

c. 42 repealed.

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By sea. z. Restrictions in the recited act, concerning the number of horses, not to extend to carriages employed in carrying any of the particulars herein mentioned.

By sea. 3. aa 14 & 15 H. 8. c. 6. & 26 H. 8 c. 7. which were repealed by the recited act of the last session, are revived, and to be in full force.

By fed. 4. Nothing in the recited or present act, touching the making and returning lists of persons qualified to be surveyors of the highways,

and the appointment of fucli surveyors; nor the repeal of part of the act of 3 W. & M. c. 12 relating to such surveyors are to extend to the city of Bristol; but the several acts previous to the recited act of the last session. relative to su veyors, and to the cleansing, lighting, & the streets in Bristol, are to be in sorce, and fully executed. The number of qualified persons, directed by act 3 W & M. to be returned, in the lists for each parish, to the justices, as sar concerns Bristol, as is to consist of ten at the least; and all appointments of surveyors, within the city, under the act of the last session, are from henceforth declared void.

Watchmen.

Watchmen are of three kinds.

Watch by the I. flatute of Winton.

HOSE which are appointed by the statute of Winton, 13. Ed. ftat. 2. c. 4. which is, that from Ascension day till Michaelmas watches shall be kept in all towns from fun setting to fun rifing; in every city fix men at every gate, in every borough twelve men, in every town fix or four, according to the number of the inhabitants; this watch is to be fet by the constable, and the neglect thereof punishable by the Stat. 5 H. 4. c. 3. their power is to arrest such as pass by until morning, and if no fuspicion, then to be delivered; and if suspicion be touching them, they shall be delivered to the sheriff, viz. to the common gaol, there to remain until they be in due manner delivered; and if they will not obey the arrest, hue and cry shall be levied upon them; but this watch extends only between Ascension day and Michaelmas.

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Watch kept by the conflable. ex officio. II. There is a watch which may be kept by the constable ex officio, which may extend to other times, because there are other things under his charge as a conservator of the peace, as for the purpose

purpose to raise and pursue hue and cry upon robberies committed, by the statute of Winton. 13 Ed. A. 2. c. I. to fearch for lodgers in suburbs of cities that are suspicious persons, which is to be done every week, or at least once in fifteen days, by the same flat. c. 4. for such as ride or go * armed, by the flat. 2 Edw. 3. c. 3. nightwalkers and persons suspicious either by night or day, by the flat. 5 Ed. 3. c. 14. And though the constable is not bound to any precise time for this kind of watch, nor punishable, if he omit it, barely for the omission, if he be ready upon occasion to do his office when required in these cases; yet it is in his power to hold such watches as often as he pleases, and it is convenient and justifiable, and herein the watchmen are the ministers and affistants of the constable, and are under the same protection with him, and may act as he doth; and regularly he ought to be in company with them in their walk and watch.

III. And there is a kind of watch by authority Watch by of the justices of peace, which may be held at authority of other times than the statute of Winton appoints, the justices and the watch thus appointed hath the same power as either of the former; and this seems to be within the power of any one justice of peace by the first Assignavimus of his commission; vide Lamb. Just. lib. 1. c. 20. so. 185. Dalt. c. 60. so. 142. & c. 139. so. 292. but the safer and more usual way is by order of the session of the peace, or of the court of King's Bench, which hath the highest ordinary authority in matters of the peace and preservation thereof.

But at this day it is held, that the wearing of arms upon the road, is not within the meaning of this statute, unless it be accompanied with such circumstances as may reasonably create arror, and that persons of quality may arm their attendants, as well as themselvess, for their greater security in travelling. 5 Vol of Read, on Stat. Law. p. 77.

Awatchman protection of the law.

A watchman hath a double protection of the bas a double law, viz. 1st, as affissant to the constable when the constable is present or in the watch, for so every man who is affifting to the constable in the execution of his office hath the same protection that the law gives the constable. 2dly, Purely, as a watchman fet by order of law; and the law takes notice of his authority sub eo nomine, and therefore killing of a watchman in the execution of his office is murder, 3 Inft. c. 7. fo. 52. 4 Co. Rep. 41 a. 9 Cs. Rep. 66. a. 68. a. b. Mackelly's Cafe.

May apprebend nightwalkers, &c.

And fuch a watchman may apprehend nightwalkers, 4 H. 7. 2. and commit them to cultody until the morning, and also felons and persons suf-

pected of felony.

Watchman flain in endeavouringto apprehend a burglar, bis tled to 40 1. St. Martin in the Fields. Watch, &c. for poor G. 2.35. P.

1:3.

If a watchman or any other person be flain in endeavouring to take a burglar or house breaker, on a certificate thereof under the hands and feals of two justices of the peace, his executors or adexecutor inti- ministrators will be intitled to 40 1. Stat. 5. Ann. c. 31.

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By g Geo. 2. c. 8. Veltry to meet on 3d of May and 3d of November yearly, and appoint the 9 G. 2. c. 8. number of watchmen and beadles within the parish St. Martin in the Fields, within the liberties of the there, see 23 city of Westminster, and fet down in writing the orders agreed on for regulating the watch; vacancies how to be filled up. Seat. 1.

Transcripts of the regulations, &c. figned by the veftry clerk, to be delivered to each constable; times of watching; the duty of the constables and

watchmen. Sect. 2.

The watchmen in the absence of the constables, may apprehend night walkers. Gr. Sect. 3.

The charges to be paid by an half yearly affelfment, and may be levied by diffress. S. a. 4.

The affessment on ambassidors, &c. houses, to be paid by the lan flords Seef 5. Ferions

Persons aggrieved may appeal to the next general quarter sessions; whose order to be final.

The affesiment not to exceed 4d. per pound.

Sect 7.

Collectors of the affestment to account to the vellry on the 26th of July yearly, or oftener if required, on pain of imprisonment. Sect. 9.

Deficient or furplus monies to be carried over to

tie rext year's rate. S.A. 10.

Y and accounts of receipts and diffurfements to be adjutted and figured at a vestry by the 20th of August, and lodged with the vestry clerk. Sca. 11.

Persons prying the said rates discharged from the watch or ward appointed by the statute of Winchef-

ter. Sect. 12.

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Limitation of actions; general issue; treble rolls. S.A. 13.

To be deemed a public act. Sea. 14.

By 9 Geo. 2. c. 13. The vestry with other per-St. Paul, sons specified by name, to meet on the 3d of May Covent and 3d of Nevember yearly, and appoint the num Garden. ber of watchmen and beadles within the parish of Vateb, &c. St. Paul, Covent Garden, within the liberties of 9 G.2. c. 13. the cty of Westminster, and set down in writing the orders agreed on for regulating the watch; vacancies how to be filled up. Sect. 1.

Transcripts of the regulations, &c. signed by the vestry clerk to be delivered to each constable; times of watching; the duty of the constables and

watchmen. Sea. 2.

The watchmen in the absence of the constable may apprehend night walkers, &c. Sed 3.

The charges to be paid by an half yearly affessment, and on non-payment to be levied by differes. Sect. 4.

The affestment on ambassadors, &c. houses, to

be paid by the landlords. S.A. 5.

Persons aggrieved may appeal to the next general quarter sessions; whose order to be final. Sea. 6.

The affessment not to exceed 6 d. per pound.

Collectors of the affestments to account to the vestry on the 26th of July yearly, or oftener if required, on pain of imprisonment. Sea. 9.

Deficient or surplus monies to be carried over

to the next year's rate. feet. 10.

Yearly accounts of receipts and disbursements to be adjusted and signed at a vestry by the 20th of August, and lodged with the vestry clerk. set. 11.

Persons paying the said rates discharged from the watch or ward appointed by the statute of Win.

chefter. fect. 12.

On death or removal of the trustees before particularly named; how others to be chosen. fed.

Limitation of actions; general iffue; treble

costs. feet. 14.

To be deemed a publick act. Jeat. 15.

St Margaret By 9 Geo. 2. c. 17. The veftries of the two and St. John, parishes of St. Margaret and St. John the Evan-Westmingelist, Westminster, to meet yearly in St. Marster. Watch, garet's vestry-room, and appoint the number of c. 17. for watchmen and beadles within the said parishes, Poor there, and ascertain the pound rate for the charge thereof. fee 25 G. 2. feet. 1.

P. 185.

And in 14 days after, choose the watchmen and beadles, and set down in writing the regulations agreed on; vacancies how to be filled up. Sea. 2.

A copy of the regulations figured by the vestryclerk of each parish to be delivered to each constable; the times and manner of watching; their duty. Sea. 3.

The watchmen in the absence of the constable may apprehend night-walkers, &c. sea. 4.

How and when the affessment is to be made.

Sett 5.

Person appointed a collector, on resusing to act, o forseit 10 /. which may be levied by distress;

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in case of such refusal, death, &c. how others to be chosen. feet. 6.

The affessment on payment refused, to be levied by diftress. fett. 7.

Intermediate meetings. feet. 8.

The affestment on ambaffador's, &c. houses, to be paid by the landlords. feet. 9.

Persons aggrieved may appeal to the next quar-

ter sessions. fed. 10.

The affesiment not to exceed 6 d. in the pound. feet. 11.

Collectors to account yearly on the 20th of July,

&c. on pain of imprisonment. feet. 13.

Deficient or furplus monies to be carried over to

the next year's account. feet 14.

A book of receipts and difbursements, signed at St. Margaret's veftry by the 20th of August yearly. to be kept by the veftry clerk and inspected without fees. feet. 15.

On neglect of St. John's vestry to meet and act jointly, St. Margaret's vestry may make such

affestments separately. feet. 16.

If a division of the said parishes shall he hereafter made, the vestries of each separately to execute this act. fect. 17.

No person paying the said affessment liable to the watch or ward appointed by the statute of Winchefter. fect. 18.

Limitation of actions; general issue; treble

cofts. fect. 19.

This to be deemed a publick act. fect. 20.

By o Geo. 2. c. 19. The veftry to meet on the St. Anne's, 3d of May and 3d of November yearly, and ap- Westminpoint the number of watchmen and beadles within fler. Wate . the parish of St. Anne, within the liberties of the &c. 9 G. 2 city of Westminster, and set down in writing the orders agreed on for regulating the watch; vacancies how to be filled up. fect. 1.

Transcripts of the regulation, &c. figned by the vestry clerk to be delivered to each constable; times

M m of of watching; the duty of the constables and watchmen. fect. 2.

The watchmen in the absence of the constables.

may apprehend night-walkers, &c. Sect. 3. The charges to be paid by an half yearly af-

fessment, and on non payment to be levied by diftrefs, fect. 4.

The affessment on ambassador's, &c. houses, to

be paid by the landlords. feet. 5.

Persons aggrieved may appeal to the next general quarter sessions, whose order to be final. fect. 6.

The affefiment not to exceed 6 d. per pound.

Sect. 7.

Collectors of the affessment to account to the vestry on the 29th of July yearly, or oftener if required, on pain of imprisonment. seel. 9.

Deficient or furplus monies to be carried over

to the next year's rate. Seat. 10.

Yearly accounts of receipts and difburfements to be adjusted and figned at a vestry by the 20th of August, and lodged with the veftry-clerk; persons paying the faid rates discharged from the watch or ward appointed by the statute of Winchester, Sect.

Limitation of actions; general issue; treble cofts. Sect. 12.

To be deemed a publick act. Sett. 13.

London. Watch, 10

By 10 Geo. 2. c. 22 feet. 1. Common Council to determine the number of officers, and make G. 2. c. 22. orders for the nightly watch within the city of London.

And to appoint rates to be collected Sect. 2. quarterly; distress on non-payment, or imprisonment.

Sea. 4. Aldermen, &c. of each ward, to make orders and regulations within their respective wards.

Sect. 5. Copy of orders, &c. to be given the constables; their charge; penalty of 201. for defaults.

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Sect 7. Watchmens charge.

By 18 Geo. 2. c. 25. Trustees how to be elected; Hatton-when and where to meet to appoint watchmen and Watch, &cc. beadles within the liberty of Saffron Hill, Hatton 18 G. 2. Garden, and Ely Rents in the parish of St. Andrew, c. 25. Holborn, in the county of Middlesex. Sect. 1.

Beadles and their wages, and the pound rate to

be paid. Sed. 2.

Trustees to appoint officers, and make orders for

the watch. Sect. 3.

Copies of orders, &c. to be given to the conflables, &c. Sed. 4.

Their and the watchmens charge. Sect. 5.

Trustees to make affessments and appoint collectors. Sect. 6.

Who upon refusal to act forfeit 101. Jest. 7. Rates in case of refusal to be levied by distress. Sect. 8.

Trustees at intermediate meetings may asses,

Rates on houses where foreign ministers reside, chargeable on the landlords. Sect. 10.

Appeal in cases of grievance to be made to the quarter sessions. Sect. 11.

Assessments not to exceed 6 d. per pound of the yearly rent. Sect. 12.

Collectors to pay the monies to persons appointed by the trustees. Sect. 14.

Monies how to be applied; collectors on default of payment to be imprisoned. Sect. 15.

Deficiencies and surplusses how to be ordered.

Sect. 16.

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An account of the monies collected to be regiftered, &c. Sect. 17.

Persons hereby rated discharged from watch and

Trustees how to be chosen. Sect. 19. Limitation of actions. Sect. 20.

This is to be deemed a publick act. Sect. 21.

M m 2. By

Christ

Church.

Watch.

G. z. c. 35.

By 11 Geo. 2. c. 35. fect. 1. Vestry to appoint a proper number of watchmen and beadles, and to make regulations and contracts within the parish of Christ Church, Middlesex.

Sect. 2. Copies of such regulations to be delivered to the constables, &c. head boroughs and

beadles charge; times of watching.

Sect. 3. Penalty on their neglect of duty.

Sect. 4. Watchmens duty: for further particu-

Liverpool. By 21 Geo 2. c. 24. fect. 36. A nightly watch Watch. 21 to be appointed annually in Liverpool, in the county G. 2. c. 24. palatine of Lancoster.

Sect. 41. The stations for the watchmen, and

time of going their rounds.

Sect. 42. Transcript of the orders relating to the watch to be delivered to the sub bailiss; subbailiss to keep watch every night, and to arrest all night-walkers and other suspected persons; watchmen misbehaving to be displaced and fined.

Sect. 43. Night-walkers and disorderly persons,

&c. to be taken up by the watch.

St. John, By 23 Geo. 2. c. 18. f. t. The verry to appoint southwark, the number of watchmen and a beadle, to set down, Batch. 23 Gc. their several duties and wages within the pa-G. 2. c. 18. rish of St. John, Southwark, in the county of Surry.

Sect. 2. The vestry may appoint others in the room of such beadles or watchmen as shall die or

misbehave.

Sect. 3. The constables, beadles, and watchmens times of duty.

Sea. 4. And power of apprehending night-

walkers and other suspected persons.

Sect. 5. The constable and beadle to see that the watchmen do their duty, and to give notice of any misbehaviour.

S.a. 6. Penalty on their neglect.

Sect. 24. Persons paying to the rates exempted from watch and ward by the statute of Winchester: for further particulars see the act.

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By 21 Geo. 2. e. 26. fet. 6. Trustees to order St. Matthew the number of watchmen and beadles, &c. and of Bethnell headboroughs, &c. within the parish of St. Mat- Watch. 24 there, Bethnell Green, in the county of Middlefex. G. 2. c, 26.

Sea. 7. Copies of all orders for the government of the watch, &c. to be figned and delivered to the constables.

Sea. 8. Constables and head-boroughs duty; watchmen misbehaving to be suspended, &c.

Sea. o. Penalty on constables, headboroughs,

and beadles neglect of duty.

Sea. 10. Watchmens power in the absence of the constable. &c. for further particulars see the

By 28 Geo. 2. c. 37. feet. 4. Truffees to order St. Barthoannualty watchmen to be employed, and their du- lomew the ty, with the number of constables to attend each Great. 28 night &c. within the parish of St. Bartbolomew G. 2. c. 37. the Great, London.

S A. 5. Copies of all such orders to be deliver -

ed to the constables.

Sea. 6. Constable's duty and power; report to be made of watchmens misbehaviour or neglect of

Sea. 7. Constable neglecting his duty, or mif-

behaving, forfeits 20 s.

S.A. 8. Watchmens duty and power; for fur-

ther particulars fee the act.

By 29 Geo. 2. c. 53. felt. 1. Churchwardens, St. Mary le overfeers, and parishioners to meet at the court Bone. house annually upon Tuesday in Easter week, &c. Watch. 29 to make a lift for fix constables, and appoint watchmen and beadles, and parishioners to be a committee; committee to meet within fix days after, and make orders concerning the beadles and watchmen; their duty and wages, &c. watchmen or beadles dying or misbehaving, or orders judged necessary to be altered, &c. committee to meet and nominate other fit perfons, and make new regulations, to be confirmed at a meeting of the parishioners M m 3

Watchmen.

parishioners of St. Mary le Bone, in the county of Middlesex.

Sect. 5. Copy of all orders, &c. figned by the veftry-clerk, to be delivered to the constables; constables to attend in rotation, and keep watch and ward every night, prevent fires, &c. take up suspected persons and carry them before a justice, and go the rounds every night, and report the misbehaviour of watchmen.

Sea. 6. Watchmens power and duty in t heabfence of the constable, & c. disorderly persons, & c. to be carried before a justice.

Sea. 30. Inhabitants discharged from penalties of former acts for omitting to appoint constables, &c. fine for not serving office of constable; penalty of neglect of duty; none liable to be re-elected within seven years.

Sect. 32. Persons paying to these rates not liable to watch or ward, by the statute of Winchester; for further particulars see the act.

By 29 G. 2. c. 87. Jed 9 Trustees to appoint and elect yearly or oftener, such a number of watchmen and beadles as shall be thought necessary, and direct their stations; duty and wages, and the number of constables and beadles that shall attend each night, and provide a watch-house for them within the parish of St. John, Wapping, St. Paul, Shadwell, the hamlet of Ratclisse, St. Anne, Middlesex, and the precinct of Well Close, in the tower of London.

Sect. 10. Copies of orders, &c. for regulations of the watch to be delivered to the constables.

Sea. 11. Constables and beadles to attend in turn, and keep watch each night; their proper husiness and duty on watch; watchmen misbehaving to be suspended and reported, and others in the interim, to be appointed; 5 s. penalty on watchmen misbehaving.

Sea. 12. Twenty shillings penalty on constables and beadles neglecting their duty.

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St. John, Wapping, &c. Watch. 29 G. 2. c. 87.

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Sect 13 Power and duty of the watch in the absence of the constable and beadle.

Sea 15. Watch houses vested in the trustees.

Sect. 16. Forty shillings penalty on damaging, the watch houses; application of the penalty.

S. A. 23. Trustees within their respective districts to make rates for the watch: for further

particulars fee the act.

See 32 Geo. 2. c. 49, which is an act for regulating the nightly watch and beadles within the gate. 32 G. part of the manor and liberty of Norton Folgate, otherwise Norton Folley, in the county of Middle-fex, which is extraparochial.

See 32 Geo. 2. c. 58. which is an act for esta-Guildford, blishing, regulating and maintaining a nightly Surry. 32 watch within the town of Guildford, in the county G. 2. c. 58.

of Surry.

The Laws and Statutes relating to Hackney-Coaches and Chairs.

NE * thousand hackney-coaches, and + four Number of hundred chairs are allowed in London and coaches and Westminster, (See stat. 11 G. 3. c. 28. in this title, chairs. p. 407.) or suburbs of the same, or within the parishes places in the or weekly bills of & mortality.

These coaches and chairs are to be licensed by To be licensed? commissioners, (5 & 6 W. & M. c. 22. s. 3. 9 An. by commissioners. 22. s. 1) and upon every licence shall be referers. ved 5 s. per week, payable monthly for each coach, and 10 s. per ann. to be paid quarterly for every chair, 9 An. c. 23. s. 2, 3. Commissioners licensing above the number to forfeit 100 l. 5 & 6 W. & M. c. 22. s. 6. 9 An. c. 23. s. 5.

^{* 5 &}amp; 6 W. & M. c. 22. f. 2. 9 An. c. 23. f. 2. 14 G. 3. c. 24.

^{† 12} G. c. 12. f. 15. 16 G. 2. c. 26. f. 3. 33 G. 2. C. 25. f. 1. 2.

^{§ 7} G. 3. c. 44. f. 11.

Persons dri-

Persons driving a hackney coach without licence, wing without shall forfeit 5 1, and a chair 40s. 9 An. c. 23. f. 4.

Upon a case stated for the opinion of the court, this quellion arose, Whether the plaintiff, who was licensed according to the above clause of the statute, to have a coach and horses to ply in the freets, could let to hire a coach for a day or less within the bills of mortality, commonly called a waiting job, having no figure, was within the description of the faid clause? or in other words, Whether a coach not used for plying in the streets be an hackney-coach within the act of parliament ? Waiting job within

Q An. t. 23.

This case was argued several times, and now, this term, the court was unanimously of opinion. that fuch a coach is within the prohibition of the act. C. J. The act 1 G. fl. 2. c. 57. only relates to funerals. This case falls within the prohibition of the act of queen Anne; the regulations in that act are not only applicable to fuch coaches as ply in the fireets, the word otherwise not to be extended to a week, fortnight, &c that the word otherwise, means a different contract from that which is mentioned before, as an hiring for a morning, afternoon, or a day, within the bills of mortality; as the verdict is for the plaintiff, it must be set aside, and the plaintiff pay the costs of a nonsuit; (Eader and Billings. 2 Salk. cited) Hil. Term. 1737. B. R. Tetloe against Dickenson, M. S. S. Rep.

Refusing to go

Coachmen refusing to go at, or exacting more for their fare for hire, than by 9 An. c. 23, f 6. 5 & 6 W. & M. c. 22. f. 7. is limited, forfeit a sum not ex ceeding 3 1. nor under 10 s. at the discretion of the commissioners, three or more whereof are to in levying pe- determine the fame, by I Geo. ft. 2. c. 57. f. 2.

Power of commissioners nalties, &c. M. c. 22. J. 15. 9 An.

And the commissioners may make by laws for 5 & 6 W. & regulating hackney coachmen, &c. And the rents or fums referved, and all forfeitures and penalties c. 23. f. 16. shall be levied by warrant of three commissioners, by diffress and sale of goods in ten days.

1 G. ft. 2. c. 27. J. I.

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Persons not paying coachmen or chairmen their Not paying due fare, or cutting or defacing coaches, chairs, fare. &c. a justice shall order them to make satisfaction; f. 22. and on refusal may bind them over to the quarter sessions.

No hackney-coachman, or driver, shall pre- The fares of fame to take for his hire, within ten miles of Lon- backneydon or Westminster, above 10 s. for a day, reckoning twelve hours to the day, (this is increased to 12 s. 6 d. a day, by flat 7 Geo. 3. c. 44. [17.) nor above 1 s 6 d. for the first hour; and 1 s. for every hour after flat. 5 & 6 W. & M. c. 22. f. 7. o An. c. 23. 1. 6. and no person shall be obliged to pay above 12 d. for the use of an hackneycoach, for any distance not particularly set down in this act, viz. 9 An. c. 23. fo as the same do not exceed one mile, and four furlongs; nor above 1 s. 6 d. for any distance, not exceeding two miles. Stat. 9 An c. 23. S. 7. Hackney coachman is obliged to go any where within ten miles of London or Westminfter. Stat. 7 Geo. 3. c. 44. f. 12.

Case on 7 G. 3. c. 44.

Hire a hackney coach from a stand early in the morning, and order him to drive me about nine miles out of town, where I fpend the day, and return to town again in the evening, within

twelve hours from my first fetting out.

Is the hirer or hired to determine the coachman's fare in this case? Can the former insist upon the latter's taking 12 s. 6 d. for his day's pay? or can the latter infift on the former's paying 13 s. 6 d. or 18s.? In short, is this fare to be paid by reckoning the time or the way? And who is to decide by which it is to be fettled, the passenger or the coachman?

The places and fums specified by the act, are Places men-I s. from any of the Inns of Court to any part of tiened in the St. James's or Westminster, (except beyond Tothil Said act.

Justices for Kent and

Effex, autho-

street) and from the said Inns, or thereabouts, to the Royal Exchange, I s. and to the Tower, or Bishopsgate or Aldzate, 1 s. 6 d. and so from the faid places to the faid Inns: And the like rates from and to any places at the like distance.

Every justice of peace for Kent and Effex, shall have same authority within his jurisdiction, to put any of the laws in execution now in being for licenfing and regulating the owners and drivers of coach laws in hackney-coaches, against the drivers of licensed hackney coaches, for any offence committed against any of the faid laws, as the London, Westminster, Midlesex, or Surry commissioners, aldermen, or justices.

The commissioners for paving, &c. the parish backney-coach of St. Mary le Bone may direct and regulate the and chairmen flands of hackney-coaches and chairmen as they shall think proper, within the said parish; and if Bone parift, any hackney coachman or chairman shall not comply with fuch + regulations, he shall forfeit 10 s.

I do not find, upon inquiry, that the commis-&c. Penalty sioners have made any regulation in pursuance of

the above act.

The number of hackney coaches to stand and ply for hire, between the end of Freeman's court, Cornhill, and the end of Cornhill eastward, London, By 11 G. 3. shall be no more than ten at any one time; and c. 12. S. 31. from the end of Bucklesbury, to the end of King's like penalty of freet, Cheapfide, no more than five, and not to fructing paf- be nearer the one to the other than twenty feet; and that all other coaches within the faid city shall so stand or ply, (except where the standing

rized to put the backneyexecution within their jurisdictions. 4 G. 3. c. 36. S. 2. Stands of to be regulated in Mary by the commissioners of pavements, for not complying with regulations. 10 G. 3. c. 23. J. 48. Sage in Goodman's Fields, &c. Number and distance of backney-

+ As stat. 11 G. 3. c. 21. s. 1. hath put this parish of coaches limit- Mary le Bone, as to the regulation of hackney-coach and ed in London chairmen, under the jurisdiction of the hackny-coach, &c. 11 G. 3. c. commissioners, if they should regulate them one way, and 29. f. 112. the commissioners under this act another, the coachmen and chairmen may be at a loss which commissioners to obey.

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be against any dead wall) at the distance of eight feet at least from each other; and that every coach shall give way to all waggons, drays, carts, and Combes to other carriages to pass and repass, upon pain that give way to every owner or driver of backney coaches, which ail other carshall stand, or who shall ply in any place, where the number is limited, after such number shall be standing or plying therein, or shall stand nearer one another than hereby directed, or shall not, upon demand, give way for other carriages to pass and repais as aforefaid, shall pay 20 s to be re- Penalty. covered and levied as any other penalty incurred by hackney-coachmen, by any other law relating to them.

Within feven days after, owner of hackney-Places of acoach licensed, shall leave at office of commission bode of backers at Guildhall, account of place of abode, and ney-coachfigure or number of coach; and owners of coaches figures of already licenfed shall leave like account; and so their coaches, every licensed hackney-coachman shall, within se- to be registred ven days after place of abode shall be charged, f. 113. give like account, on pain of owner's forfeiting

Justice may mitigate penalties, to any fum not Penalty may be mitigated. under half.

der half.
All the new squares, buildings, and streets, New squares, within the feveral parishes of St. Mary * le Bone; &c. in Mary St. George, Hanover Square; St. George the Mar- le Bone, &c. tyr, Queen Square; and St. George, Bloomsbury, parifhes, Middle fex; and all the several burying grounds, within five miles of the cities of London or West- to be deemed minster, belonging to any of the parishes within within Lonthe faid cities, or to any of the above-mentioned wettminster parishes, shall be deemed to be within the faid ci and subject to ties, or the suburbs thereof; and that the jurisdic commissioners tions of the commissioners, and of justices of peace, of backneyand all the provisions and penalties thereof shall ex- coaches, &cr.

and to their provisionsand penalties.

^{*} See our note on flat. 10 G. 3. c. 23. f. 48. in the pre- 11 G. 3. c. 28. 1. 1. ceding page. tend

Laws and Statutes. &c.

tend to all the faid new squares, buildings, and ffreets, and also to the said burying grounds.

Every backney-coach to have check firing or wire on forfeiture of 5 s. f. 2.

The commissioners may order persons licensed for using hackney-coaches to provide check-strings or wires, to be placed as the commissioners shall think most convenient; and every hackney coachman plying for hire, without fuch check-ftring or wire, shall fo feit 5 s. to be recovered and levied, as above mentioned.

The following by-law has been lately made by the commissioners for licensing and regulating hackney coaches and chairs, in pursuance of the a-

bove clause of the act.

Bye-law on the abive claufe:

In all cases where the owner of any licensed hackney coach shall provide check strings or wires to be placed in such part of every such coach, as to the faid commissioners shall seem most convenient, pursuant to an act of pa liament made and passed in the eleventh year of his present majesty's reign, the driver of every coach shall, during the time of his driving his fare, hold fuch checkstrings or wire in his hand, so that the same may be used for the accommodation of the fare, according to the intention of the faid act of parliament; and in default of fo doing, being thereunto required as aforesaid, the driver of every coach shall, for every fuch offence, forfeit and pay a fum not exceeding 10 s. * at the discretion of the said commissioners, or the major part of them.

The commissioners for paving, &c. the parish of St. John Clerkenwell, Middlesex, may direct and regulate the stands of hackney-coaches and chairmen, as they shall think proper, within the faid parish; and if any hackney-coachman or chair-

Commissioners for paving Clerkenwell parish, to regulate the Stands of backneycoachmen and chairmen. 11 G. 3. c. 33. 1. 42.

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^{*} The validity of this bye-law may well be queffioned, especially as the commissioners have inflisted a larger penalty for not bolding the string or wire than even the legislature hath, for not having any at all.

man, shall not comply with such * regulations, he shall forfeit 10 s.

I do not find on inquiry, that the commissioners have made any regulation in pursuance of the above act.

In pursuance of flat. 9 An. c. 23. f. 7. the commissioners have caused to be measured and rated several distances between the most noted parts of the town, as follows:

* See our note on fat. 10 G. 3. c. 23. f. 48.

The Rates of Hackney-Coaches for particular Distances, (not specified in the Act) ordered by the Commissioners within the Weekly Bills of Mortality.

One Shilling Rates for Coaches.

ROM Westminster Hall to Marlborough Street, Rates set by Bolton Street, Soho Square, Bloomsbury Square, commissioners Little Queen Street, Holborn.

From St. James's Gate to Queen Anne's Square, Westminster, the nearest corner of Red Lyon Squares From Golden Square to Red Lyon Square.

From the Haymarket theatre to Red Lyon Square, Bloomsbury Square, Queen Square, Westminster.

From Red Lyon Square to Guildhall.

From the upper end of Fetter Lane, Holborn, to Aldgate.

From the Royal Exchange to Hoxton Square.

From Newgate to the middle of Greek Street, hear Soho Square.

From the King's Head tavern, Southwark, to the fign of Sir William Walworth.

Nn

Rates of Hackney-Coaches.

From Gray's Inn to Saddlers Wells, by Islington, From Tom's Coffeebouse in Russel Street, Covent Garden, to Newcastle, House, near Chrkenwell church.

From Temple Bar to Billingate.
From Alagate to Shadwell church.

One Shilling and Sixpenny Rates for Coaches.

From Drury Lane playhouse to Queen Anne's Square, Westminster.

From Westminfter Hall to St. Paul's church, or

Queen's Square, Red Lyon Fields.

From St. James's Gate to Hatton Garden.

From the New Exchange in the Strand, to the Royal Exchange.

From the Haymarket playhouse to Hatton Gar-

den.

From Westminster Hall to Red Lyon Square.

From St. James's to Marybone church.
From the Royal Exchange to Bloomsbury Square,

or to the watch house at Mile End.

From the outside of Aldwate to Stepney church.

From the outside of Aldgate to Stepney church. From Bedford Street, Covent Garden, to Coleman Street.

From Bread Street to Upper Moorfields, and thence to Hoxton Square.

From Austin Friars Gate in Broad Street to Hart Street by Bloomsbury Market.

From St. Martin's Lane in the Strand to Gold

Street by Wood Street.

From the end of Lombard Street, next Gracechurch Street, to Somerfet House.

From St. Lawrence's Church, by Guildhall, to

Brownlow Street in Drury Lane.

From the Royal Exchange to Newington church, beyond Southwark.

From Tom's Coffeehouse, by Covent Garden, to the Royal Exbange.

From Stocks Market to Charing Crofs.
From Aldgate to Ratchiff Crofs.

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Seat. 3. & 5 of Ast. 5 & 6 W. & M. c. 22. mentioning hackney coach-horfes, as well as hackneycoaches, occasioned an hackney coachman to be fued, for letting to hire, by way of job, to a gentleman who had a carriage and harness of his own, a pair of horses by the year, but the court of king's bench construed the words " backney-coaches or " coach borfes," " hackney coaches and coach-" horses," and said, that construction must be the meaning of the legislature; for they observed, that all other provisions in the act were restrained to backney coaches, as to the numbers to be licensed, the fine to be paid, and the annual rent; and further, that if the act had intended, that keeping backney borfes diffinct from backney coaches, should have been licensed, it would have made some provision about it, and have referved some revenue out of it; and they faid, that a contrary confiruction would be a very unreasonable one, for thereby, if a gentleman's horse fell lame, he could not hire another, but must either buy another, or lie still. See the case at large, in Salk. 612. 2 K. Raym, 1214. But they feemed to agree, That if A. kept a pair of horses, and B. had a coach, and let them to B, who drove them about with the coach as hackney horses, this would be keeping an hackney coach without licence in both of them. See 2 R. Raym. Case of Billings versus Eades.

The most noted places for standing of hackney- Standings of coaches are Palace Yard, Weffmirfter, near Weft- caches. minster Hall gate; near Scotland Yard, Whiteball, Charing Cross, St. James's palace gate; Oxford Street, and in the new buildings, Mary le Bone; Somerfet House, Charles Street, and Bedford Street, Covent Garden; near St. Clement's church in the Strand, Temple Bar, St. Durkan's church, Fleet Street; near the gates of the luns of Court, St. Paul's church, Guildhall, the Royal Exchange, between Bishopsgate and Devonshire N n 2 Street

Street end, &c. But by order of commissioners. they are to fland in the middle of the flreets, and not against gates; or in streets not 30 feet wide; nor cross any street, or within eight feet of houses, walls, &c. on pain of 10 s. And the drivers are to give way to persons of quality, and gentlemens coaches, under the like penalty of 10 s.

Hackney-coaches to fland in the Borough where five or more of the paving commissioners shall ap-

point. 6 G. 3. c. 24. f. 39.

Numbers, &c.

Hackney-coachmen not having tin plates with the number of their coaches, shall forfeit 5 %. Refuling any person to take the number, or giving a wrong number, to forfeit a fum not exceeding 40 5.

Coaches for Panerals.

None but licensed persons shall stand, ply or drive any coach, hearfe or coach horfes for hire; or shall let to hire any mourning coach, or coach horses, to attend on funerals, within the weekly bills of mortality, under the penalty of 5 l. Stat.

1 Geo. A. 2. c. 57 f. 3.

The court of king's bench was of opinion, that a stage coachman standing and plying with a coach and horses for hire at Whitechapel bars, in the open street, within the bills of mortality, and then and there driving his coach with horles for hire, from thence to places within the bills of mortality, not being licensed pursuant to act of parliament, was not within this clause of the act; for that the party did not ply to drive or carry, or drove or carried persons only within the bills of mortality, but he plied with his stage-coach to carry them the stage he drove, viz. to Bow or Stradford, and though the paffenger was fet down within the weekly bills of mortality, viz. at Whitechapel tnrnpike, yet he paid for the whole stage; but if the coachman had taken less than his hire for the whole stage, in this case the court inclined to be of opinion that that would have been within the act; and they held that this claufe of the act was

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made to prevent plying or driving for hire, to wait and attend upon funerals, which was not this case. 2 R. Raym. 1506. Sef. Cas. 352. Pl. 280. The King versus Betts.

On Sunday one hundred and seventy five In Sundays, coaches only are to ply, by persons appointed, under the like penalty, &c. 5 & 6 W. & M. c.

22. /. 18.

Every licensed hackney coachman, or his driver, who shall drive with any hackney coach on the Lord's day, shall be liable to do the like work, as well without the weekly bills of mortality as within the same, as such coachman or his driver is by this or any former act compellable or liable to do on any other day of the week. 7 G. 3, c.

44. 1. 18.

By 7 G. 3. c. 44. Upon every information before the commissioners against any person, for driving for hire, or letting to hire, any hackney-coach, contrary to 9 An c. 23. although no express hiring shall be proved, yet unless the party accused shall appear and make proof to the said commissioners, that no money or other gratuity was made or paid, or agreed or intended to be made or paid, for the use of such coach, the same shall be deemed and adjudged a driving for hire, or letting to hire; and every person so oftending, shall, for every such offence, incur the like penalty, as if such money or other gratuity was actually proved to be made or paid. see 10.

Where any person is liable to be committed, the said commissioners may either commit such offender, as by any former act they are authorised to do, and for any time the said commissioners shall think sit, not exceeding one month, or, by warrant under their hands and seals, to commit such offender to Bridewell, or some other house of correction, there to be kept to hard labour, not exceeding one month; and also to receive the correction of the

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faid house, if the faid commissioners thall so order.

7 G. 3. c. 44. f. 15.

44. 1. 19.

See 7 G. 3. c. 44. f. 15.

If any hackney-coachman shall be guilty of misbehaviour in his employment, the said commissioners may either revoke such coachman's licence, or instict a penalty not exceeding 3 l. upon conviction, for every such offence, to be paid to the poor; and if any person so convicted, as aforesaid, shall not be able, or shall refuse to pay the sum, he shall be committed to Bridewell, or some other house of correction, to be kept to hard labour for thirty days. 7 G. 3. c. 44. s. 16.

The several clauses in acts of parliament concerning hackney coaches and chairs, as relates to the authorities of the commissioners and of justices; and to the rules, forfeitures, and orders in the same acts, for such further time as any other part of the said acts relating to the licensing of hackney-coaches or chairs, shall be in force. 7 G. 3. c.

The commissioners may, in all cases, where they may now by law commit any offender, convicted before them, to Bridewell, or any other house of correction, commit such offender, by warrant under their hands and feals, immediately to Bridewell, or some other house of correction; there to be kept to hard labour, not exceeding one month, and that such offender do also receive the correction of the said house, if the said commissioners shall so order. 10 G. 3. c. 44. f. 5.

Every person licensed by the said commissioners, to carry or let for hire a hackney-chair, who shall neglect or refuse (being duly summoned for that purpose) to appear before the said commissioners in person, or by his or her renter, upon any complaint made, without some reasonable excuse, to be approved of by the said commissioners, shall, for every such offence, forseit 10 s; and if any such person, licensed as aforesaid, shall neglect or results.

fuse to appear, together with his or her renter, before the faid commissioners, upon the third summons, without such reasonable excuse as aforefaid, the faid commissioners may hear and determine the faid complaint, notwithstanding the abfence of the party offending, upon the oath of one credible witness, and to impose upon fuch licensed person or renter the penalty or forfeiture due to

fuch offence. fea. 6.

All the offences mentioned in and intended to be provided against by 7 G. 3. 44. or by this present act, shall and may be heard and determined, and all and every the forfeitures and penalties thereby inflicted, shall and may be recovered and levied, not only by the faid commiffioners, but also by any justice or other magistrate, where such offence shall be committed, by such means as the penalties and forfeitures in o An. c. 23. are directed to be levied and recovered. 10 G. 3. c. 44. 1. 7.

The Fare of a Hackney-Chair is 1 s. for any Distance not exceeding a Mile; and 1 s. 6 d. for any Distance not exceeding a Mile and four Furlongs, 9 An. c. 23. f. 8.; and for every further Distance, not exceeding four Furlongs, 6 d. and 1 s. 6 d. for the first Hour, and 6 d. for every balf Hour after. 7 G. 3. c. 44. f. 13. And for particular Distances as follows. viz.

One Shilling Rates for Chairs.

ROM Westminster Hall to Covent Garden, Rates set for or to Exeter Exchange. chairs.

From

The Laws and Statutes

From St. James's Gate through the park to Westminster Hall,

From St. James's Gate to Somerfet House.

From Somerset House to the upper end of Hatton Garden.

From the Hay Market theatre to Bolton Street, Effex Street, Sobo Square, entrance of Lincoln's Inn Fields.

From the nearest corner of Golden Square to Drury Lane theatre.

One Shilling and Sixpenny Rates for Chairs.

From Wistminster Hall to Marlborough Street, Scho Squaie, Bolton Street, Temple Bar.

From St. James's Gate to Queen Anne's Square,

Westminster.

From Golden Square to Red Lion Square.
From Red Lion Square to the Haymarket play-house.

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From Queen Square to the faid playhouse. From the Haymarket playhouse to Bloomsbury Square, or Gray's Inn.

The Laws and Statutes concerning Watermen.

Overfeers and rulers, &c. and their power.

HE lord mayor and court of aldermen of London, are yearly to elect eight of the best watermen, to be overfeers and rulers, and keep good order among the rest; and the watermen shall choose assistants, who may make rules to be observed, under penalties; and the lord mayor and aldermen, and justices of peace are to hear and determine offences, &c. Watermen and lightermen on the Thames, between Gravesend and Windsor,

Windsor, are made a company by statute 2 & 3 Watermen a P. & M. c. 16. 11 & 12 W. 3. c. 21.

Watermens names shall be registered by the o Watermens verseers; their boats or wherries must be twelve names registroot and a half long, and four foot and a half boats, &c. broad in the midship, or be liable to forfeiture; and two watermen shall not ply, but where one of them hath exercised the profession two years, and been allowed by the overseers. And watermen Taking more taking more than the rates or fares appointed, shall than their forfeit 40 s. and suffer half a year's imprisonment; fares, and refusing to carry persons for their fare, be imprisoned 12 months. Ibid.

Forty watermen, appointed by the rulers, are to Who to carry carry p flengers cross the river on Sundays; and passengers on being paid for their labour, the overplus money is a Sunday. to be applied to the poor decayed watermen, &c. And where persons travel on a Sunday with boats, Licence for they are to be allowed by a justice of peace, on pain of forsetting 5 s. for every offence. Stat. 11

& 12 W 3.

By the Stat. 4 Ann. c. 13. The orders made On notice wafor restraining watermen free of the company from termento
taking apprentices, are declared void. And by ferve in the
this 2ct, on notice of the commissioners of the admiralty, watermen are to appear before the company, to be sent on board the sleet: Not appearing, they shall be imprisoned one month, and be
disabled for two years.

No watermen on the Thames shall take an ap-Habitations prentice or servant, unless he be a housekeeper, of watermen or have some known habitation, and shall register registered. the same with the clerk of the company, on pain of 10 l. And apprentices are not to take upon Their apthem the care of any boat till 16 years of age, prentices and & c. except they have worked with some able-servants. waterman for two years at least, under the penalty of 10 s. by stat. 2 Geo. 2. c. 26.

If any person not having served seven years to ferve seven a waterman, &c. row any boat on the said river by new ast for 2 Geo. 2.

for hire, he shall forfeit 10 %. to be levied by diftress; and for want of sufficient diffress, the lord mayor of London, or any justice for the place where the offence is committed, may, by warrant, commit the offender to the house of correction, not exceeding one month, nor less than fourteen days. Stat, ibid.

Penaltics, and how recovered.

Exception in But gardeners boats, dung boats, fishermen, the act. mill-boats, wood lighters, western barges, &c. are excepted, and may be rowed by persons in fuch manner as accustomed.

Confables.

Geo. 2.

All contables. &c. are to be aiding and affifting in the execution of this act.

Watermen

By flat. 10 Geo. 2. c. 31. Watermen ufing regulated by boats, &c. upon the Thames, are not to take any new act. 10 apprentice under fourteen years old, who shall be bound for feven years, and inrolled in the book of the watermens company, under 10 1. penalty; and no more than two apprentices to be taken at inrolled, un- one time, when the first had ferved four years, on

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Apprentices der penalties, the like forfeiture.

No persons working any tilt boat, row barge, Number of paffengers to &c. shall take in above thirty seven passengers, be taken into and three more by the way; nor in any other boats. boat above eight passengers, and two by the way, on pain of forfeiting 5 1. for the first offence, and

'tis felony.

If more, and 10 1. for the second, &c. And in case any perone drowned, fon be drowned, where a greater number is taken in, the watermen to be guilty of felony, and transported.

How tilt boats to be governed.

And the tilt boats used between London bridge and Gravefind, shall be 15 tons and not under, and other boats three tons: Also the rulers of the company of watermen are to appoint two officers, on at Billing sgate at high water, and another at Gravesend, to ring a bell for the tilt boats to put off; and if they do not immediately proceed on their voyage, with two fufficient men, without

on flore, &c. putting on shore without two miles, they shall for-

feit 5 1. leviable on their boats, tackle, &c. as by the former act.

Persons navigating slat bottomed boats, or Barges, &c. barges, are not subject to the penalties of this sla excepted.

Rates of Watermen in and about London and Westminster.

	Va	Vars. Sk.		
FROM London Bridge to Limehouse, New Crane, Shadwell Dock, Bell	s.	d.	d.	
Wharf, Ratcliff Cross, To Wapping Dock, Wapping New and Old Stairs, the Hermitage, Rotherhith	1	0	6	
church stairs,	0	6	3	
from St. Olaves to Rotherhith church	0	6	3	
From Billing square and St. Olawes to St. Saviour's Mill,	0	6	3	
All the stairs between London Bridge and Westminster,	0	6	3	
From either fide from London Bridge to Lambeth and Vauxball, —	1	0	6	
From Temple, Dorfet, and Blackfriars stairs, or Paul's Wharf, to Lambeth,	0	8	4	
From Whitehall to Lambeth and Vaux- ball, —		6		
Over the water directly between Vaux-				
kall and Limehouse,	0	4	2	

Distant from London, &c. Rates of Oars.

	Whole Fare.	
	s. d	. s. d.
ROM London to Gravefend,	46	09
- Woolwich, -	2 6	04
- Blackwall,	2 0	04
- Greenwich or Deptford,	16	0 3
- Chelsea, Battersea, Wandsworth,	16	0 3
- Putney, Fulham, Barn, Elms,	2.0	04
- Hammerfmith, Chiswick, Mortlak		06
- Brentford, Mefworth, Richmond,	3 6	0.6
- Trwittenham,	40	06
- Kingfton, -	50	09
- Hampton Court,	60	10
- Hampton Town, Sunbury, and Walte	William Control	10
- Weybridge and Chertfey,	10 0	10
- Stains, -	12 0	10
- Windfor, -	14 0	10

Hire of the tilt boat to Gravefend, 22 s. 6 d. Every fingle person in the ordinary passage, 6 d.

These rates are set forth and appointed by the lord mayor and aldermen, by virtue of the first statute aforementioned.

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The Office of Constables.

Written by

Sir FRANCIS BACON, Kt.

O the first, Of the original of the authority of constables, it may be said, Caput internubila condit; for the authority was grounded upon the ancient laws and customs of this kingdom, practised long before the conquest, and intended and instituted for the conservation of the peace, and repressing of all manner of disturbances and hurt of the people, and that as well by way of prevention, as punishment; but yet so as they had no judicial power to hear and determine any cause, but only a ministerial power; (as in the answer to the 7th article more at large is set down.)

As for the office of the high conflable, the original of that is yet more obscure; for though the high constable's authority and jurisdiction hath the

more ample circuit, he being over the hundred, and the petty constable over the vill; yet I do not find the petty constable is subordinate to the high constable, to be ordered by him. And therefore I doubt the high constable was not ab origine, but that when the business of the country increased, the authority of the justices of peace was enlarged by divers statutes: Then, for convenience's sake, the office of high constable grew in use, for the receiving of the commands and precepts from the justices of peace, and the diffributing of them to the petty constables: And in token of this, the election of high constable in most parts of the kingdom is by the appointment of the justices of peace; whereas the election of the petry constable is by the people. But there are two things unto which the office of constables hath special reference, and which of necessity, or at least a kind of congruity, must precede the jurisdiction of that office: I mean, either the things themselves, or somewhat that hath fimilitude or analogy towards them.

1. There is the division of the territory or gross of the shires into hundreds, vills, and towns; For the high constable is officer over the hundred, and

the petry constable over the town or vill,

2. The other is the court leet, unto which the constable is a proper attendant and minister: For there the constables are chosen by the jury, there they are sworn, and there that part of their office which concerneth information, is principally to be performed; for the jury is to present offences, and the offenders; and are chiefly to take light from the constables of matter of disturbance, and nusance of the peace, which they in respect of that office are presumed to have best and most particular knowledge of.

Now the institution of the leet is to three ends.

t. The first, To take the ancient oath of allegiance of all males above the age of twelve years.

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z. The second, To inquire of all offences against the crown and peace, and not to inquire only, and certify to the justices of goal delivery; but those that are against the peace simply, they are to

inquire of and punish.

3. The third is to inquire of, punish, and remove all publick nusances concerning infection of air, corruption of victuals, ease of chaffer and contract, of all other things that may hart or grieve the people in general in their health, quiet, and welfare.

And to these three ends, as matters of policy subordinate, the court leet hath power to call upon the pledges that are to be taken of the good behaviour of the resiants that are not tenants, and to inquire of all defaults of officers, as constables, aletasters, and the like; and likewise for the choice of constables, (as was said.)

1. The jurisdiction of these leets is either remaining in the king, and in that case exercised by the sheriff in his turn, which is the grand leet granted over to subjects, but yet is still the king's

court.

2. To the second, The election (as was said of the petty constable) is at the court leet by the inquest that makes the presentments: The election of the head constables is by the justices of the peace at their quarter-sessions.

3. To the third, The office of the constable

is annual, except they be removed.

4. To the fourth, They be men (as is now u-fed) of inferior, yea, of base condition, which is a mere abuse, or degenerating from the sist institution: For the petty constables in town ought to be of the better sort of resiants in the said town, save that they ought not to be aged or sickly men, but men of able bodies in respect of the keeping watch, and toil of their places.

Neither ought they to be in any man's livery. And the high conftable ought to be of the ablest of freeholders, and of the most substantial fort of yeomen, next to the degree of gentlemen: But they ought to be such as are not incumbered with any other office, as mayor of the town, under

fheriff, bailiff, &c.

5. To the fifth, They have no allowance, but are bound by duty to perform their office gratis, which may the rather be endured, because it is but annual, and likewise because they are not tied to keep or maintain any servants, or under ministers: For that every one of the king's people within their limits are bound to affist them.

6. To the fixth, Upon complaint made of his refusal to any one justice of peace, the said justice may bind him over to the sessions, where, (if he cannot excuse himself by some allegation that is just) he may be fined and imprisoned for his con-

rempt.

7. To the seventh, The authority of the constables, as it is substantive, and of itself, and afiricled to the warrants and commands of the justices of peace; fo again, it is original or additional: For either it was given them by the common laws; or elfe annexed by divers flatutes: And as for fubordinate power, wherein the conflable is only to execute the commandment of the justices of peace, and likewife the additional power which is given by divers statutes, it is hard to comprehend them in any brevity; for that they do correspond to the office and authority of the justices of peace, which is very large, and are created by the branches of feveral flatutes, which are things of divers and dispersed natures. But for the original and substantive power of a constable, it may be reduced to three heads:

1. For matter of peace only.

2. For matters of peace and the crown,

 For matter of nusance and disorder, although they be not accompanied with violence or breach of peace.

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For pacifying of quarrels begun, the constables may, upon hot words given, or likelihood of breach of peace to ensue, command them, in the king's name, to keep the peace, and to depart and forbear; and so he may, where an affray is made, part the same, and keep the parties asunder, and arrest and commit the breakers of the peace, if they will not obey, and call power to assist him

for the same purpose.

For punishment of breach of the peace past, the law is very sparing in giving any power or authority to constables, because he hath no power judicial; and the use of his office is rather for preventing or staying mischief, than for punishing of offences: For in that part he is rather to execute the warrants of the justices; or when sudden matter ariseth upon his view, or notorious circumstances, to apprehend the offenders, and carry them before the justices of peace, and generally to imprison in like cases of necessity, where the cause will not endure the present carrying of the party before the justices.—And thus much for matter of the peace.

For matters of the crown, the office of the conflable confils chiefly of four parts, viz.

- 1. Arreft.
- 2. A fearch.
- 3. Hue and cry.
- 4. Seizure of goods.

All which the conflable may perform of his own authority, without any warrant of the justice of

peace. For,

to anothers's charge, or do suspect him of murder or felony, he may declare it to the constable; and the constable ought, upon such declaration or complaint,

complaint, to carry him before the justice: And if by common voice or fame any man be suspected, the constable of duty ought to arrest him, and bring him before a justice, though there be no accusation or declaration.

2. Secondly, If any house be suspected for the receiving or harbouring of any selon, the constable, upon complaint, or common same may search.

3. Thirdly, If any fly upon the felony, the

constable ought to raise hue and cry.

4. Fourthly, The constable ought to seize goods, and keep them safe without impairing, and inventory them in the presence of honest neighbours.

For matter of common nusance, of corrupting air, water or victuals, or stopping or straightning or endangering any passage, or general deceits in weights, measures, sizes, or counterfeiting wares or things vendible: The office of the constable is to give (as much as in him is) information of them, and of the offenders in leets, that they may be presented.

But because leets are kept twice in the year, and many of those things require a speedy or prefent remedy, the constable in things notorious, and of vulgar nature, ought to forbid and repres-

them in the mean time.

8. To the eighth, They are for their contempt to be fined, or imprisoned, or both, by the justices in their fellions.

The Oath of Confables.

9. To the ninth, The oath they take is in this manner; 'You shall swear, that you shall well and truly serve the king and the lord of the law

day: And you shall cause that the peace of our fovereign lord the king shall be well and truly

kept to your power.

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'And you shall arrest all those that you see com-'mitting riots, debates and affrays in breach of

the peace.

'And you shall well and duly endeavour your'self, to your best knowledge, that the statutes of
'Winchester, for watch and hue and cry, to be put
'in force; and the statute made for the punish'ment of sturdy beggars, vagabonds, rogues, and
'other idle persons, coming within your office,
'that the offenders be punished.

'And you shall endeavour, upon complaint made, to apprehend barretors, and riotous persons making affrays, and likewise to apprehend se-

flons: And if any of them make refistance with force and multitude of missoers, you shall make outcry and pursue them till they be taken.

'And you shall look unto such persons as use unlawful games.

' And you shall have regard unto the mainte-

'nance of artillery.

'And you shall well and duly execute all pro
'cess and precepts sent unto you from the justices.

of peace of the county.

- 'And you shall make good and faithful present-'ments of all bloodsheds, outcries, affrays, and 'rescues made within your office.
- 'And you shall well and duly, according to your power and knowledge, do that which be'longeth to your office of a constable to do for this year to come.

So belp you God.

10. To the tenth, Their authority is the same in substance, differing only in the extent: The petty constables serving only for one town, parish, or borough; the head constable serving for a whole hundred: Neither is the petty constable subordinate to the head constable for any commandment that proceeds from his own authority. But it is used that the precepts of the justices be delivered

unto the high constables, who being few in number, may better attend the justices: And then the head constable, by virtue thereof, makes his pre-

cepts over to the petty constables.

of necessity, may appoint a deputy, or in default thereof, the steward of the leet may; which deputy ought to be sworn before the said steward.

The Office of Conflables confifts wholly in thefe three things, viz.

1. Their office concerning the conservation of the peace.

2. The ferving of the precepts and warrants of

the justices.

3. Their attendance for the execution of the flatutes.

The office of constables is of great power and authority, especially by night, at which time they have the whole rule and government, and ought to be obeyed, as well without their flaff of office or authority, as with it, provided they declare and make themselves known by that title, and in the king's majefly's name: For it is not the flaff which makes the constable, but the office which he is sworn unto: And therefore he may command, in his majesty's name, any person or perfons to go along with and aid and affift him, in and upon all occasions: For while his majesty and his ministers of quality take their rest in the night, the constable's office is to be intrusted with that part of the city or precinct unto which he is called, for fear of uproars and robberies, and fuch like outrages: And for that reason constables ought to be cherished and respected, if they faithfully discharge that trust committed to them. And. [9]

And let them that are chosen into this office be both faithful and trusty to discharge the trust which is committed unto them. And let not suture hope, nor present reward blind their eyes, nor make deaf their ears, lest some danger may ensue, which may prove their ruin and destruction.

Felix quem faciunt aliena pericula cautum.

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TABLE.

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Page 64. Tit. Constables, 1. 26. after Stat. 5 & 6 add Ed. 6.

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